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THE HISTORY OF THE AUSTRALASIAN COLONIES

JENKS


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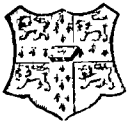
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THE HISTORY

OF THE

AUSTRALASIAN COLONIES

(*FROM THEIR FOUNDATION TO THE YEAR* 1893)

35782

BY

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EDITOR'S PREFACE.

The aim of this series is to sketch the history of Modern Europe, with that of its chief colonies and conquests, from about the end of the fifteenth century down to the present time. In one or two cases the story will commence at an earlier date, but this will only be by way of introduction. In the case of the colonies it will naturally begin later. The histories of the different countries will be described, as a general rule, in separate volumes, for it is believed that, except in epochs like that of the French Revolution and Napoleon, the connection of events will be better understood and the continuity of historical development more clearly displayed by this method, than by any other.

The series is intended for the use of all persons anxious to understand the nature of existing political conditions. "The roots of the present lie deep in the past," and the real significance of contemporary events cannot be grasped unless the historical causes which have led to them are known. The plan of the series will make it possible to treat the history of the last four centuries in considerable detail, and to embody the most important results of modern research. It is hoped therefore that the forthcoming volumes will be useful not only to beginners but to students who have already acquired some general knowledge of European History. For those who wish to carry their studies further, the bibliography appended to each volume will act as a guide to original sources of information and works more detailed and authoritative.

Considerable attention will be paid to geography, and each volume will be furnished with such maps and plans as may be requisite for the illustration of the text.

PREFACE.

No sane person would attempt to write a complete history of Australasia in three hundred pages. Having, therefore, to make a selection, I have fallen back upon the traditions of that school which regards history as past politics, and politics as present history. Even with this limitation, I have had to go lightly over the ground, omitting much that even I know, and, doubtless, much more of which I am ignorant. I can boast no special qualification for the task, save that I have spent three years in Australia, living as an Australian amongst Australians; but I have not spared to search the best sources of information.

Prominent amongst these are the Parliamentary Papers, which contain, for those who know how to use them, materials for not one but many histories of the nineteenth century. And here let me express a word of thanks to the Corporation of the City of Liverpool, which is conferring a priceless boon on all students of modern history within its dominions, by keeping in accessible condition, and under the charge of a most courteous librarian, a complete set of these invaluable records. No private library, scarcely any college library, can afford the space for such a treasure. It needs the magnificence of civic hospitality. The Journals of the Royal Geographical Society have been my authority for the chapter on internal exploration; many of the accounts which they contain are written by the

explorers themselves. For the early voyages which resulted in the discovery of the coast line of Australasia, I have used the contemporary histories. All these authorities have been supplemented by personal research amongst the Government archives at Sydney, Melbourne, and Wellington.

But it has been my good fortune also to benefit by help from other sources. To my repeated enquiries upon points of colonial history the Agents-General of the respective colonies have returned most courteous and ready replies, and they have laid me under frequent obligation by the loan of valuable documents. Similar help has come from the Foreign Office and the Colonial Office, rendered always with a promptness which has doubled its value. My colleague Professor Gonner, who has himself made a special study of Australian questions, has most kindly read my proof-sheets, and made many valuable suggestions by which I have benefited. If it be not presumptuous for a contributor to refer in print to his editor, I would also acknowledge the great advantage I have derived from the friendly criticism and watchfulness of Dr Prothero, who has saved me from the consequences of many a slip, while his general approval has inspired me with a confidence which, standing alone, I should have hardly felt.

Finally, I have to thank Miss M. J. Leather, of University College, Liverpool, for the full and careful index which, even in its condensed form, constitutes not the least valuable part of this book.

E. J.

LIVERPOOL, *June*, 1895.

CONTENTS.

HISTORY OF THE AUSTRALASIAN COLONIES.

CHAPTER I.

DISCOVERIES IN THE SOUTH SEAS.

Maritime discoveries of Portugal and Spain—The Great South Land—Tasman in 1642—Dampier—Cook—Character of Australia and New Zealand before colonization 1

CHAPTER II.

THE FOUNDING OF NEW SOUTH WALES.

Loss of the American colonies—Public feeling stirred by reports of Cook and Banks—Difficulty of the Government with regard to transportation—Act of 1783—Captain Phillip—The expedition of 1787—Only just in time—Botany Bay and Port Jackson—Norfolk Island—Governor Hunter—Discovery of coal—Bass and Flinders in Tasmania—Flinders in Queensland—Governor King—The trade in spirits—The convict insurrection—Macarthur and sheep breeding—Governor Bligh deposed—Governor Macquarie—Discovery of Bathurst Plains . . 20

CHAPTER III.

DEVELOPEMENT OF NEW SOUTH WALES.

Sir Thomas Brisbane—Free settlers—The Constitution of 1823—A free press—Sir Ralph Darling—The Constitution of 1828—The Land Question—Squatting—The policy of 1842—The first Representative Constitution—Abolition of transportation—Financial depression—Sir George Gipps—Squatting leases 52

CHAPTER IV.

THE DAUGHTER COLONIES OF NEW SOUTH WALES.

1. TASMANIA. (VAN DIEMEN'S LAND.)

Collins at Port Phillip—Founding of Hobart, York Town, and Launceston —Arrival of Norfolk Islanders—Famine threatened—Bushranging—Bligh's visit—Macquarie's visit—Governor Davey—Governor Sorell—Sheep breeding—Governor Arthur—Growth of feeling against the convict system—Macquarie Harbour and Port Arthur—The aborigines —The Black War—Robinson—The Van Diemen's Land Company—Sir John Franklin—Scientific researches in Tasmania—Sir Eardley Wilmot —Final abolition of transportation 72

CHAPTER V.

THE DAUGHTER COLONIES OF NEW SOUTH WALES (*continued*).

2. VICTORIA. (PORT PHILLIP.)

Collins in 1803—Hume and Hovell in 1824—Westernport—The Hentys at Portland Bay—The Port Phillip Association—The settlements on the Yarra and at Corio Bay—Proclamation of Port Phillip—Early days—The Land Question—The Regulations of 1840—The Land Sales Act of 1842—New aspect of the Land Question—The new boundaries of 1842 —Separation—Statistics 92

3. QUEENSLAND. (MORETON BAY DISTRICT.)

Penal settlements—The New England squatters—The Darling Downs Abandonment of the penal establishment at Brisbane—New pass through the mountains—Land sales—The *Hashemy* convicts—Chinese "hands"—The poisoned tea scare—Effect of gold discoveries elsewhere—Growth of parties—Separation—Statistics 108

CHAPTER VI.

WESTERN AUSTRALIA AND SOUTH AUSTRALIA.

WESTERN AUSTRALIA. Stirling in the *Rainbow*—Peel and his friends—Early troubles—Major Irwin's efforts—Western Australian Association —Scarcity of labour—Cry for immigrants—Reports of the Legislative Council—Arrival of convicts—Prosperity—Drawbacks—Transportation stopped—Renewed agitation for representative institutions—The

Council of 1870—Self-government. SOUTH AUSTRALIA. Sturt's journey in 1830—The scheme of 1834—The landing in 1836—Early troubles—Colonel Light—Governors Hindmarsh and Gawler—Arrival of Grey—His prompt measures—Discovery of copper mines—New South Australian Act—Major Robe and Church endowments—Governor Young—The Constitution 113

CHAPTER VII.

THE GOVERNMENT OF THE AUSTRALIAN COLONIES TO 1851.

No unity before 1851—England and her dependencies—Growth of English-speaking colonies—Clarendon's plans—Parliamentary control—The Secretary of State—Tudor policy—The first Colonial Office—Changes after the loss of America—Revival in 1801—Crown colonies and self-governing colonies—First Australian Government—Military character—Judicial arrangements—The Judge-Advocate's Court—Civil Courts—Convict evidence—The Supreme Court and the Governor's Courts—Weak points of the system—Marsden's case—The Executive Council—Bigge's enquiry—The Constitution of 1823—The new Supreme Courts and the Legislative Council—Constitution of 1828—Constitution of 1842—Criticism—Extension of the scheme in 1850 139

CHAPTER VIII.

THE FOUNDING OF NEW ZEALAND.

Casual settlers in the North Island—Land troubles—The missionaries—Magistrates and criminal jurisdiction—French claims—Hokianga and Akaroa—Lord Durham's scheme—Busby as Resident Magistrate—New plans of colonization—The Wakefields—The New Zealand Company and the (third) New Zealand Association—Settlements on the Hutt and at Te Aro—Action by the Government—Gipps' Proclamation—Arrival of Hobson—Treaty of Waitangi—Claims of the Company's settlers—Separation from New South Wales—The new Legislative and Executive Councils Early institutions—The Company's new settlements—Death of Hobson—The affair on the Wairau—Governor Fitzroy—The "ten shilling an acre" and "penny an acre" proclamations 166

CHAPTER IX.

Developement of New Zealand.

Governor Grey—Financial troubles—The Maoris—The Land Question again—Instructions of December 1846—Not enforced—Squatting—Constitution of 1846—Not enforced—The Company at work again—The Otago settlement—The Canterbury settlement—Dissolution of the New Zealand Company—The Constitution of 1852—Departure of Grey—The Constitution will not work—Compromises—Abolition of the provinces in 1875 186

CHAPTER X.

The Discovery of Gold.

Rumours of gold—Clarke and Murchison—Smith of Berrima—Hargraves at Lewes Pond Creek—The gold rush—Government action—Gold licences—Kerr's find—Effect in other colonies—Gold in Victoria—Ingots in South Australia—Scarcity of labour in Tasmania—Troubles in Victoria—Agitation against the licence fee—Partly successful—The Diggers' Congress—Governor Hotham—The Eureka murder and the Eureka stockade—Commission on the goldfields—Death of Sir Charles Hotham 205

CHAPTER XI.

Responsible Government and Modern Constitutions.

Political condition of the colonies in 1852—Transfer of the Customs—Transfer of the gold revenue—Cesser of transportation—Offer of Responsible Government—Constitutional Committees—The new Constitutions—Bi-cameral Parliaments—The Upper Chambers—The Executive—The Cabinet model—Difficulties in the way of its adoption—Existing officials—Control of the Public Service—Ministers in Parliament—The Governor and the Cabinet—Criticism of the Constitutions of 1855—Difficulties in getting to work—Victoria and New Zealand—Recent changes 228

CHAPTER XII.

Internal Exploration in Australia.

Character of Australian exploration—The Bathurst Plains—Oxley—Hume and Hovell reach Port Phillip by land—Allan Cunningham in the north—Sturt on the Darling—Sturt reaches South Australia by the Murray—Sir Thomas Mitchell and Australia Felix—Grey and Lushington—Eyre's three journeys—Leichardt in Queensland—Stuart crosses the continent—The Northern Territory—F. T. Gregory—Fatal expedition of Burke and Wills 252

CHAPTER XIII.

Maori Wars in New Zealand.

Growth of anti-European feeling among the Maoris—New political arrangements—The Taranaki purchase—Spain and Fitzroy—Grey's decision—Browne's proclamation—The Waitara block—Outbreak of hostilities—Arrival of Grey—Vigorous measures—Renewed hostilities—Handing over of Native Affairs—Events of 1864—Gradual pacification—Last outbreak in 1868—Present position of the Maoris . . . 271

CHAPTER XIV.

Present Day Questions.

Position of politics in the colonies—The Federation Question—Scheme of 1850—Legislative portion abandoned—Executive tried—A failure—Victorian suggestions—Melbourne Conference of 1880—The Federal Council of Australasia—Melbourne Conference of 1890—The Sydney Convention of 1891—The Federal Bill—Prospects—The Pacific Question—New Guinea—The question in 1877—Action of Queensland in 1883—Repudiated by Lord Derby—The New Hebrides—The Federal Conference of 1883 on the question—Treaty of 1886 (New Guinea)—Settlement of 1888—The Samoan Question—The Tongan Question—Northern Separation in Queensland—Polynesian labour . . 290

LIST OF MAPS.

Map of AUSTRALIA . . . . *To follow Index.*

„ NEW ZEALAND . . . . „ „

SOME DATES IN AUSTRALASIAN HISTORY.

1606. Voyages of Torres and the *Duyphen*.
1616. Dirk Hartog at Shark Bay.
1623. Voyage of Carstenz.
1628. Discovery of De Witt's Land (Western Australia).
1642. First voyage of Tasman.
1660. First Council of Plantations (England).
1672. The Council of Trade and Plantations.
1689. Dampier visits Western Australia.
1768. Creation of separate Colonial Office.
1769—70. Cook's first voyage to Australasia.
1781. Abolition of Colonial Office.
1783. New Act authorizing transportation.
1786. Orders in Council fix east coast of New Holland (Australia).
1788. (January). Phillip's expedition reaches Botany Bay.
(February). Formal proclamation of N.S.W.
(October). Colony founded at Norfolk Island.
1795. Settlement of the Hawkesbury.
1797. Discovery of coal at Pt. Solander and on the Hunter River.
1798. Discovery of Bass' Strait.
1799. Flinders explores the north coast.
1801. Reconstruction of Colonial Office (with Secretaryship for War).
1803. Abortive settlement under Collins at Port Phillip.
1804. Convict insurrection in N.S.W.
Founding of Tasmania (Van Diemen's Land).
1805. Macarthur commences sheep-farming at Camden.

1808. Deposition of Bligh.
1812. Tasmania made a single colony.
1813. Discovery of Bathurst Plains.
1814. Creation of civil courts in N.S.W.
Appointment of magistrates for New Zealand.
1817. Offences in New Zealand made cognizable by Australian courts.
1817—18. Oxley's inland expeditions.
1823. First Australian Constitution (N.S.W.).
Partial separation of Tasmania from N.S.W.
1824. Freedom of the press in N.S.W.
First Land Regulations (N.S.W.).
Hume's and Hovell's overland journey.
1825. Lord Durham's New Zealand Association.
Settlement at Westernport.
1826. Establishment of military station at King George's Sound (W.A.).
Proclamation of penal settlement at Moreton Bay.
Sturt discovers the Darling.
1827. Allan Cunningham's journey to the north.
1828. Second Constitution of N.S.W.
1829. Founding of Swan River Settlement (Western Australia).
1830. The Black War in Tasmania.
Sturt's overland journey to the south.
1831. Lord Ripon's Land Regulations.
1833. Appointment of Busby as Resident Magistrate in New Zealand.
1834. The South Australia Act.
Settlement of the Hentys at Portland Bay.
1835. Expeditions (Batman and Fawkner) to Port Phillip.
Second New Zealand Association.
1836. First formal recognition of "squatting" in N.S.W.
Proclamation of Port Phillip District (Victoria).
Founding of South Australia.
1838. Discontinuance of "assignment" system in N.S.W.
Grey and Lushington in the north-west.
1839. Founding of the New Zealand Company.

1839. New Zealand incorporated with N.S.W.

1840. Creation of the Colonial Land and Emigration Commission.
Eyre's journey from Adelaide to King George's Sound.
Abolition of transportation to N.S.W.
Important Land Regulations.
Treaty of Waitangi (New Zealand).
Separation of New Zealand from N.S.W.

1842. First representative Constitution (N.S.W.).
Crown Land Sales Act (Imperial).
Proclamation of free settlement at Moreton Bay (Brisbane).

1843. Affair on the Wairau (N.Z.).
Commercial crisis in N.S.W.

1845. First New Zealand War.

1846. Abortive Constitution Act for New Zealand.
Proclamation of "North Australia" (abortive).

1847. Crown Lands Leases Act.

1848. Purchase of the Middle Island (N.Z.).
Founding of Otago.

1849. Commencement of transportation to Western Australia.
Revocation of "North Australia."
The *Hashemy* incident.

1850. Passing of the Australian Government Act.

1851. (1 July). Proclamation of Victoria as a separate colony.
Gold discoveries in N.S.W. and Victoria.
Dissolution of New Zealand Company.
Transfer of Customs establishments to colonial governments.

1852. Third constitution for New Zealand.
Transfer of the gold revenue to the colonial exchequers.

1853. Abolition of transportation to Tasmania.
Establishment of Colonial Mints.
Disturbances at Victorian goldfields.

1854. The Eureka Stockade.
Creation of separate Colonial Office.

1855. New scheme for government of goldfields.

1855—6. Introduction of "Responsible Government" into all the colonies except Western Australia.
1856. Maori League against land selling.
1859. Proclamation of Queensland as a separate colony.
1860. Second New Zealand War (The Waitara Block).
1861. Expedition of Burke and Wills.
1862. Stuart crosses the continent from south to north.
1863. Third New Zealand War (Waikato).
1865. Total abolition of transportation to Australasian colonies.
Wellington made capital of N.Z.
1868. Fourth New Zealand War.
1870. Grant of Representative Government to Western Australia.
1874. Cession of Fiji to the British Crown.
1875. Abolition of the provinces in New Zealand.
1880. Federal Conference at Melbourne and Sydney.
1883. Federal Conference at Sydney.
1885. Establishment of Federal Council of Australasia.
1886. Partition of Eastern New Guinea.
1887. Passing of the British Settlements Act.
Australasian Conference in London.
1888. Passing of the Imperial Defence Act.
1890. Federal Conference at Melbourne.
Grant of "Responsible Government" to Western Australia.
1891. Federal Convention at Sydney.

THE AUSTRALASIAN COLONIES.

CHAPTER I.

DISCOVERIES IN THE SOUTH SEAS.

THE first duty of an author who attempts to write a history of the Australasian colonies for English readers is to point out a possible misapprehension which would render his work unintelligible. The terms "Australia" and "Australasia" are often used by speakers and writers as though the one were only a more elaborate and dignified equivalent of the other. As a matter of fact Australia is, geographically, a part of Australasia. Australia is the name appropriated to the huge island continent, at one time known as "New Holland," which lies in the Pacific Ocean due south of Papua or New Guinea, and south-east of China. Sometimes the name "Australia" includes, and sometimes it does not include, the little island of Tasmania (formerly known as Van Diemen's Land), which itself lies due south of the south-eastern coast of Australia, separated from it only by some 120 miles of shallow strait. There seems no adequate reason why Australia, as a geographical expression, should not include Tasmania, just as Europe includes England; and, as brevity of expression is a desirable object, Australia shall in these pages include

Australia and Australasia.

Tasmania, except where express mention is made of the distinction. Politically speaking, this practice seems equally harmless. Australia, even in the narrower sense, is not a single state under one government; it comprises five distinct and separately governed colonies—New South Wales, Victoria, South Australia, Western Australia, and Queensland; and the addition of the colony of Tasmania, so closely allied with these in history and character, will create no difficulty.

The Colonies of the Continent.

Incidentally we have here come upon another pitfall of language. "South Australia," to any one at all familiar with Australian matters, means exclusively the colony of that name, with a clearly defined though extensive territory. By the less well-informed, it is apt to be taken for a mere indefinite geographical expression. No doubt there is some excuse for this mistake, inasmuch as the great bulk of the colonial population is settled towards the southern and south-eastern shores of the continent of Australia. But it would be disastrous to allow such a use of the term to slip into a history of the Australasian colonies.

South Australia.

"Australasia," on the other hand, though an equally uncertain term, is never, except by the ignorant, used as an equivalent to "Australia." In its widest application, Australasia includes Australia, the three islands known together as "New Zealand," and the almost countless islands of the Pacific ocean, from Sumatra and Borneo to the extreme east of the Polynesian group. This use of the term has the high authority of Mr Alfred Russel Wallace, the eminent explorer and man of science; but, however convenient to the naturalist, it cannot be adopted by the historian. For there is no historical connection between many of the groups composing this enormous area, and any attempt to treat them as a political whole would be doomed to certain failure. But within this area, though often separated from each other

Australasia.

by vast distances, there is a group of communities whose histories are linked together by two important facts—allegiance to the British crown, and prevalence of British blood, manners, ideas, and hopes. This group consists of Australia (including Tasmania) and the islands of New Zealand; and to this group we propose in these pages to confine the term "Australasia." One or two other dependencies of the British crown there are—such as Fiji and New Guinea—which have some claims to be considered members of the British Australasian group; but they are distinguished from the Australasian *colonies* by the great fact that the bulk of their population is not of European race. It will be better, therefore, to exclude them from the main current of our story, and only to refer to them incidentally towards its close. For the history of the Australasian colonies is pre-eminently the history of a European race in a non-European land.

The English way of acquiring colonies.

The early days of Australasia are a striking illustration of the assertion, so often made, and with apparent truth, that the Englishman discovers nothing and invents nothing, but that he possesses a marvellous knack of adopting and developing the discoveries and inventions of others. In the great maritime discoveries of the late 15th and early 16th centuries, England plays a very small part. Such original discoveries as she can claim were made after the great lines of maritime enterprise had been laid by other nations, and, even then, were often made by foreigners in the English service. But, when once the existence of lands hitherto unknown had been established, no perils, no threats could keep the English from swooping down upon the prize. The Spaniard or the Frenchman descried land, examined it hastily, set up his country's flag as claim of title, and sailed away. The Englishman went to stay. And so it has come about that of the countries discovered by Gama and Columbus, by Torres and Tasman and Cartier, (no one of them an English-

man or in English pay,) the great bulk has ultimately fallen to the British race.

Discovery of Australia.

It is impossible to say with certainty who it was that first discovered to Europeans the continent of Australia. When the great awakening of thought which took place in the fifteenth century had stirred up men's minds to put to practical use the new discoveries in science, it was natural that all eyes should be turned towards those rich Eastern lands which scholars knew from the histories of Alexander the Great, and which the multitude had heard of from the merchants who came at intervals along the old caravan routes to the great fairs of Europe. India and Cathay (China) were the names with which the adventurers buoyed up their own hopes, and charmed the money for supplies out of the pockets of princes and courtiers.

The Portuguese.

Two well defined and distinct lines of approach were attempted, almost simultaneously, in the hope of reaching by sea the riches of the Orient. The Portuguese, cautiously feeling their way down the east coast of Africa, rounded the Cape in 1497, and reached Calicut at the beginning of the next year. Following up their successes, they pushed further and further east till they reached the spice islands of the Malay archipelago, and, before the middle of the sixteenth century, obtained almost a monopoly of that valuable spice trade, which had long been the most remunerative branch of foreign commerce. Meanwhile, the Spaniards, urged by the great Columbus, had adopted the really brilliant idea that the East might be reached by deliberately starting out in the opposite direction, and trusting to the new scientific conclusion that the world was a sphere and not a plane. It is this daring acceptance of scientific conclusion, while yet unverified by experience, which shews the real greatness of the character of Columbus. As we know, he set out to find India, and, on his way, discovered America.

The Spaniards.

His successors were engaged for some years in exploring the new continent which he had brought to light, still believing that it formed a part of the long desired India. At length the truth dawned on them, but the discovery of the Pacific by Vasco Nunez de Balboa only stimulated them to still further effort. They pushed on and on, until the visit of Magelhaens to the Philippine Islands in 1521 brought the Spaniards well past the eastern-most stations of the Portuguese, and completed the circle of the globe.

Balboa.

Magelhaens.

It is almost impossible to believe that, in her wanderings in the Malay archipelago, no Spanish or Portuguese ship sighted the mainland of Australia. The northern coast of Australia is at one place distant less than 100 miles from the southern coast of New Guinea, and in those days it was no uncommon thing for a vessel to be blown 100 miles out of her course, especially when sailing in little known waters. It is not difficult, therefore, to understand how, in the early years of the sixteenth century, rumours began to float about Europe of a great southern land, which had slept unknown since the beginning of the world in the untraversed ocean. These rumours began to take hold of men's minds, and to appear in visible, though highly imaginative shapes, on the rude charts of geographers and travellers. One of the oldest of these is to be found in the British Museum, and is attributed to the year 1542. It is believed to have been at one time the property of a man named Rotz, a French sailor who passed some part of his life in England; and this fact gives some colour to the claim put forward by the French, that their countryman, Guillaume le Testu, was the true discoverer of Australia. The claim is based mainly upon the fact that Testu's name appears on a map dated 1555, on which a southern continent, styled *Jave la Grande* ("Great Java") is

The legend of a Great South Land.

Testu.

outlined. But this fact, of course, merely proves that Testu had heard of such a country, and guessed whereabouts to look for it. The outline is certainly not sufficiently correct to convince us that he had personally explored the coast.

Far more striking proof of the knowledge of Australia which gained ground during the later sixteenth century is afforded by a work published in 1598 by the Dutch historian Cornelius Wytfliet. One passage is sufficiently interesting to bear reproduction.

Wytfliet.

"The *Terra Australis* is the most southern of all lands, and is separated from New Guinea by a narrow strait....The *Terra Australis* begins at one or two degrees from the Equator, and is ascertained by some to be of so great an extent, that if it were thoroughly explored it would be regarded as a fifth part of the world."

Here we have not only the position of the country stated with some approach to accuracy, but a shrewd guess at the vastness of the still unexplored regions. The continent, too, has always kept the simple name given to it by the earliest writers; it is *Australia*, the South Land, and nothing can better describe it. The more ambitious name of *Australasia* (South Land of Asia) invented by the French writer Brosses in the middle of the eighteenth century, has been productive of much confusion, and has now, as we have seen, more than one meaning.

The credit of converting the legendary belief of the later sixteenth century into verified fact belongs, undoubtedly, to Spain. In the year 1595 Alvaro de Mendana, a Spaniard of birth and influence, set sail from Peru, ostensibly to settle the Salomon Islands, but with secret hopes of discovering the much-talked-of continent. Mendana died without having accomplished anything more than a temporary settlement on the Santa Cruz group; but his pilot,

Mendana.

Pedro Fernandez de Quiros, devoted himself to the fulfilment of his captain's object, and, in the year 1605, started from Lima, under the most favourable auspices, to refound Mendana's abandoned settlement at Santa Cruz, and then to search for the Great South Land. Quiros discovered many islands, probably, from the accounts of his followers, belonging to the Samoan group, and ultimately reached the group now known as the New Hebrides, to one of which he gave the name of *Austral del Espiritu Santo*, a fact which indicates pretty clearly the nature of his hopes. Quiros, no doubt, thought that he had accomplished his object, and, in pursuance of his orders, started northward, with part only of his expedition, for Santa Cruz. The accounts of his proceedings thenceforward are not satisfactory. Perhaps he thought that he had done all that was hoped of him, perhaps his men mutinied, but in any case it is probable that he did not even reach Santa Cruz. Meeting with bad weather, he consulted his officers, giving them the choice between New Spain and China. They unanimously decided for the former, and thus missed their best chance of making the great discovery.

Quiros.

But Quiros' lieutenant, Luis Vaez de Torres, who had been left behind at Espiritu Santo, was more enterprising and more fortunate. Sailing along its western coast, he saw enough to convince him that the so-called Australia was only one of the many islands of the Pacific, and not the great continent of which Quiros was in search. After making a bold dash south-westward, which must have brought him to a point between New Caledonia and the eastern coast of Australia, Torres stood back to the north-west, with the object of making the south-eastern point of New Guinea, probably hoping ultimately to reach China by way of the Philippine Islands. He succeeded in making New Guinea, but, in spite of his efforts, he failed to weather the eastern point, and was compelled to coast along the

Torres.

southern shore. This disappointment really gives Torres his title to fame; for it seems beyond question that, in passing through the narrow strait which now bears his name, he more than once sighted the northern shores of Australia. Though, by his own account, he was more interested in annexing little islands on the Guinea coast than in exploring towards the south, the currents and shallows compelled him often to stand in a southerly direction; and he expressly says that he reached the end of the 11th degree of latitude, where the water became shallow. Thus he must have been well within the outline of the continent.

Torres Strait.

The business of exploration was soon afterwards taken up by the Dutch, who, having successfully conducted a heroic war of independence against Spain, and established a national Republic, were rapidly becoming one of the great sea powers. There is indeed a tradition that in the very year (1606) in which Torres made his famous voyage, the northern coasts of Australia were sighted by the Dutch ship *Duyfhen*, which sailed from Bantam to New Guinea, and is said to have gone as far as $13\frac{1}{4}$ degrees of latitude South. In the year 1616 a Dutch ship named *Eendracht*, under the command of Theodoric Hertoge or, as he is generally called, Dirk Hartog, accidentally fell in with the west coast of Australia, at a point now known as Shark Bay. Several other voyages followed, which resulted in a gradually increasing knowledge of the continent. Carstenz, a Dutch explorer, named the Gulf of Carpentaria in the north in 1623, after the Dutch governor of the West Indies. Dutch expeditions in 1628 gave the name of the great De Witt to the western coast. But the turning point in the history of Australian maritime exploration is the famous voyage made by Abel Jansz Tasman in the year 1642.

The Dutch.

Dirk Hartog.

Carstenz.

Tasman.

The expedition was sent out by the Governor and Council

of the Dutch East Indies from their headquarters at Batavia, the colonial capital of Holland. It consisted only of two vessels, a yacht and a fly-boat. After spending some time at Mauritius, the expedition steered south and east, and, on the 24th November, 1642, discovered land which, in his modesty, Tasman called Van Diemen's Land, after the Governor of the Indies, but which the justice of posterity has named, after its discoverer, Tasmania. After exploring the east coast for some distance, and naming Storm Bay and Frederick Henry's Bay, Tasman again sailed east and, on the 13th December, 1642, sighted the middle island of New Zealand. Here, on the west coast, he met the determined opposition of the natives, who killed several of his men at a place which he termed Murderers' Bay. Bearing north, Tasman discovered the Three Kings' Islands, and rounded the North Cape. To the territory thus discovered he gave the name of Staates Land, thus claiming it on behalf of the Republic of Holland; but his Government afterwards changed the title to New Zealand, a name which it has ever since borne. Tasman continued his voyage eastward, and discovered the Friendly Islands, as well as several smaller places; but these do not concern us. He returned to Batavia round the north coast of New Guinea, and reached port on the 16th June 1643, having in eight months added a new chapter to the world's history.

Tasmania.

New Zealand.

Two years later, Tasman undertook a second voyage of discovery. Of the history of this expedition little is known; but it is interesting from the fact that the instructions given by his Government to the great sailor are still in existence. From these we gather that Torres' discovery of the strait which bears his name was unknown to the Dutch in 1644, for one of Tasman's chief duties in the new expedition was to discover whether or no New Guinea and the South Land were parts of the same continent.

Tasman's second voyage.

He was also directed to examine the east coast of Australia, and to report whether Van Diemen's land likewise formed part of the continent. Apparently he did not succeed in the task. At any rate Tasman had been dead a hundred years before it was ascertained that Tasmania was an island.

By the middle of the 17th century Australasia had thus acquired a thoroughly Dutch character. In the great stone map of the world which Quellius made in the year 1662 for the Town Hall of Amsterdam, the names New Holland (Australia) and New Zealand shew the view taken of the new world by the Dutch; and it was, in fact, long before the declining strength of Holland compelled the States to abandon their claims. But at last England appeared on the scene.

Dampier.

The character of the first English explorer in Australian waters cannot be considered creditable to his nation. William Dampier was one of the large body of amateur pirates (to put it plainly) whom the increasing familiarity of Englishmen with hitherto unknown waters produced in the 16th and 17th centuries. Without being essentially cruel or lawless, he adopted the popular view that morality and law-abidingness were shore virtues only, and, though there is no evidence that he committed outrages for the mere pleasure of the occupation, he certainly let nothing stand in the way of a prospect of plunder. His greatest virtue was unquestionably a steady thirst for knowledge of all kinds connected with navigation, or, as he himself puts it, "increase of experience."

Dampier's first voyage.

Dampier's first visit to Australia took place in January 1689, and was a sort of offshoot from a piratical cruise on the coasts of the Dutch possessions in the East Indies, which occupied him for seven or eight years. His own account of his adventures (discreetly worded) was published in 1697, and though the account which it gives of New Holland is anything but attractive, the success

of the book seems to have stirred up in the public mind a desire for further discovery. It is noteworthy that, even at the very end of the 17th century, some of the most elementary facts concerning Australia were yet unknown. Dampier says:—"*New Holland* is a very large Tract of Land. It is not yet determined whether it is an Island or a main Continent; but I am certain that it joyns neither to *Asia*, *Africa*, nor *America*."

The Roebuck.

At the beginning of the year 1699, Dampier set out from England in command of the *Roebuck*, an Admiralty vessel, on a voyage of discovery in the South Seas. Instead of taking the usual western route by America, he sailed round the Cape of Good Hope, and reached Australia in August, at the point previously touched by Dirk Hartog, but which he now renamed "Shark Bay." Finding, however, little to reward his efforts, after two months' desultory exploration of the western coast, he sailed north to the Dutch Indies. For this conduct he apologizes in a later work, pleading the mutinous character of his crew; but it is clear that the hope of plunder (of which Australia afforded very little encouragement) drew him to tropical quarters. Dampier, however, published an interesting account of the plants and animals of New Holland, which probably excited some attention. He probably also helped to generate the legend of a still more southern land, of which Australia was to prove but an outlying island, a legend which had a considerable influence on his great successor, Cook, and even upon much more modern explorers.

Cook.

For more than half a century after Dampier's voyages, the spirit of discovery seems to have slept. The next great name in English annals is that of James Cook; and his long exertions practically completed the adventurous task of ascertaining the real character of Australasia. Later explorers had many details to fill in, and many dangers to encounter; but when Cook died the fifth

great division of the world was no longer an Unknown Land.

Cook's first southern voyage.

Cook's first experience of southern exploration was in 1768, when he set out, as lieutenant in command of H. M. S. *Endeavour*, with a party of men of science, to observe from Tahiti the approaching transit of Venus. The main object of the voyage was accomplished by the beginning of June 1769, but the great geographical work was still to be done. The voyage to Tahiti had been by the old western route of the Spaniards, not by the bolder track chosen by Dampier. But the party determined to return home by the Pacific route; and it is this homeward journey which has given Cook his title to fame. Pushing westwards from Tahiti (or Otaheite—formerly known as King George III's Island), and touching at several smaller places, the expedition reached New Zealand in August 1769, exploring Poverty Bay on the east coast of the north island. Working still northwards, it explored and named the Thames River, and, rounding the North Cape, sailed along the western coast until it reached Queen Charlotte Sound, one of the many beautiful inlets which pierce the north eastern shoulder of the middle island. Here Cook discovered, much to his surprise, that a shallow and turbulent channel (now known as Cook Strait) separated into two islands what he had before believed to be one. Sailing through this channel, he reached his old quarters in Poverty Bay; and then, turning south, he completely circumnavigated the middle island, until he once more came up to Queen Charlotte Sound. Thus the general outline of New Zealand was put beyond dispute; and if Tasman may claim the credit of the discovery, Cook is entitled to be considered as the real explorer of the colony.

Botany Bay.

But further success awaited the expedition. Sailing westward in March 1770, Cook soon reached the east coast of Australia, and commenced an ex-

ploration of the shores which was productive of important results. He reached Botany Bay just at the beginning of the beautiful Australian autumn, when the country was recovering under heavy showers from the long heat of summer. It is to this fact that we owe the picturesque name of Botany Bay, which so long, in the minds of Englishmen, stood for the whole of the Australian colonies. For several months the party continued to explore the coast line in a northerly direction, encountering grave dangers in following the line of the Great Barrier Reef, which extends for hundreds of miles along the coast, and leaving traces of their passage in such names as Cape Tribulation (where they were nearly wrecked), Endeavour River, and Possession Island. Passing through Torres Strait, they finally settled the fact of the separation of New Guinea from Australia, and Cook then formally claimed possession, in the name of the British Crown, of the country behind the coast line he had explored, giving to it the name of New South Wales, which it retains to the present day.

Cook's second voyage.

A second voyage, undertaken by Cook in the year 1772, in the ships *Resolution* and *Adventure*, is not of great importance in Australasian history. The ships soon became separated, and though both, at different times, visited New Zealand, the main energy of Captain Cook (as he had now become) was directed towards the search for the still more southern or Antarctic land, the notion of which had been set afloat by Dampier. His voyage is, however, of importance in the general history of discovery, for it proved, pretty conclusively, that, if such a land existed at all, it was so far south as to be practically useless for purposes of trade or settlement. And it is for ever memorable as shewing, that, by the use of proper precautions, the longest voyages, even in extreme climates, may be undertaken with practical immunity from disease. Cook himself on this voyage lost only one man through sickness, though he was away from

England upwards of three years, and experienced all extremes of climate.

Cook's third voyage.

In the year 1776, Cook started on his third and last voyage; but this time with the chief object of discovering a north-west passage between the Atlantic and Pacific oceans. On his outward journey, however, he visited Tasmania and New Zealand; and, though he did not spend very much time in exploring those countries, the experts who accompanied him added considerably to the existing knowledge of botany and zoology. After calling at Hawaii, Cook sailed northward, in the spring of 1778, to explore the American coast, and, though he did not get further north than the shores of Alaska, he made some useful observations upon the country in the neighbourhood of Behring Strait and Nootka Sound, and perhaps incidentally started an important trade in furs between Alaska and China. Returning for the winter of 1778—9 to Hawaii, Cook was, as every one knows, murdered by the natives in Karakara Bay, on the 14th February 1779.

At the death of Captain Cook, Australasia may be said to have been practically explored, so far as the coast line was concerned. Only one maritime discovery of first rate importance remained to be made, viz. the existence of a channel between Tasmania and the mainland. This discovery was made by Surgeon Bass in 1798, and the strait which he surveyed still bears his name. The later voyages of the *Investigator* and the *Beagle* are famous for their services to navigation and science generally; but Mr Bass's discovery may be said to have completed the coast map of Australasia.

Turning now from discovery and exploration to settlement, we may pause for a moment to form some general idea of the nature of the countries which have become the scene of a new civilization. And here we must be careful to distinguish between Australia and the rest of Australasia—i.e., practically, New Zealand.

From a physical point of view, the appearance of Australia is disappointing to any one familiar with the variety of scenery to be found in Great Britain and Ireland. Here and there, in the settled parts of the country, are mountainous districts, covered with luxurious vegetation, and watered by beautiful streams. But the general aspect of the temperate parts of the continent is one of mild undulation or absolute flatness, covered with somewhat monotonous vegetation, or (in the summer months) bare and parched; while there is neither the artificial beauty of high cultivation nor the natural beauty of primitive wildness. Except in the tropical north, there are practically no navigable rivers on the mainland; even the Murray and the Darling are apt to become impassable in the summer. The scarcity of water is, indeed, one of the most disastrous natural features of Australia; and, unless artificial means can be used to correct it, vast tracts of country must for ever remain unsettled. Tasmania, however, is a country of noble rivers and striking scenery, though the painful monotony of Australian forest or "bush" is to be met with there also.

Appearance of Australia.

On the other hand the climate, in the temperate regions, is, perhaps, one of the finest in the world. Except in the mountainous districts there is no severe cold, frost and snow being unknown; and, though in the summer the temperature rises very high, the air is, as a rule, so dry, that neither lassitude nor other ill effects follow, and cases of sunstroke are extremely rare. A man may be prostrated by a temperature of 80° Fahr. in London, and yet feel quite brisk in experiencing 100° in Melbourne. The soil too, in spite of the scarcity of water, is in many parts exceedingly fertile, both for pasture and agriculture; and these conditions of climate and soil must be regarded as important factors in the history of the colonies.

Climate.

It is, however, in its productive aspect, that Australia

occupies such an unique position. Though possessing native fauna and flora of great extent and variety, it is almost barren of native products in any way useful for the prime necessities of life. The native animals and birds are curious rather than valuable. With few exceptions, they can be used neither for food nor service. The same remark applies to the native vegetable life. The universal gum tree is now becoming famous for its sanitary qualities; but early colonists cannot live on medicine, and the gum forests of Australia furnished but little timber for building houses and making furniture, nor did her uncultivated plains yield edible roots or grain. On the other hand, the soil of Australia has shewn a remarkable capacity for fostering and developing imported animal and plant life. The consequence has been that the economic side of Australian life has been almost purely European. It is simply a reproduction of British economy, slightly modified to suit new conditions.

Products.

This feature has been intensified by the absence of competition. The aborigines of Australia (the word "native" is now always reserved for those of European descent) have had no influence on Australian history. Absolutely barbarous and unskilled in the arts of life, dragging out, according to the accounts of all travellers, a wretched and precarious existence even before the arrival of European settlers, they could offer no resistance to the invaders, and they have, in fact, been entirely ignored (except as objects of charity or aversion) in the settlement of the country. Probably always few in numbers, they are now, at the highest estimate, considerably less than one hundred thousand. In Tasmania they have entirely disappeared; and though in the barren interior of the mainland they may prolong their existence for generations, there seems to be no hope that they will improve their lot. Most of the colonies have passed laws intended to protect them from personal cruelty and fraud; but these laws serve only still more

The aborigines.

to separate them from civilized life. The one pursuit in which they have hitherto been regarded as useful is that of tracking criminals or missing travellers; but white settlers in the "bush" are rapidly becoming more expert than the aborigines in such matters, and the "black trackers" are falling into discredit.

New Zealand. New Zealand, on the other hand, presents a very different picture. Perhaps no country in the world contains so much inspiring scenery in so small a compass. From the semi-tropical north, with its hot lakes and luxurious vegetation, to the vigorous south, with its glaciers and snow-fed streams, there is a constant succession of beautiful and varied landscapes. The terrible monotony of the Australian gum forest is unknown. There are no dried-up river beds or parched plains; everything is green, fresh, and prolific. It is not an invalid's country, except in the north, where a valetudinarian may revel in a temperature which hardly varies a dozen degrees the whole year round. But for the average man the climate is unsurpassed. There are no extremes of heat, such as those which scorch the Australian plains and, except in the far south and the mountain districts, no severe winters. Everywhere there are refreshing winds and abundant rainfall, the fertile soil responds to the lightest effort of labour, the great extent of seaboard and the splendid rivers afford abundant means of travel, and the Englishman planted down in New Zealand finds himself in a country which reproduces all the good natural conditions of his old home, without some of its less pleasing features. The east wind of England, the fog and smoke of English towns, have no representatives in New Zealand. Though it is quite possible that the timber of Australia may ultimately prove very valuable, at present the New Zealand kauri pine and the beautiful tiger wood are better known than the Australian timbers, and are actually imported into Australia in large quantities. Some of

the finest buildings of Australia are built of New Zealand stone. The coasts of New Zealand swarm with fish; and, although the indigenous fauna are few and not very valuable, the great ease with which European animals and birds have been acclimatized has already rendered New Zealand a land of plenty.

The Maoris.

The coloured inhabitants of the colony are, moreover, a very different race from the miserable blacks of Australia. "Aborigines" they can hardly be called; for it is the generally received opinion that the forefathers of the Maoris colonized New Zealand from one or more of the islands of the Samoan group; and, though it is quite possible that they intermarried with an aboriginal, or at least an earlier stock, the peculiar vigour and fine physique of the Maori race are characteristics rarely to be found in peoples which have for ages lived in isolation. The fate of Captain Furneaux' party in Murderers' Bay was ominous of the attitude likely to be taken up by the Maori towards the white colonists. As a matter of fact the early European settlers in New Zealand had to reckon with the warlike Maori in a way unknown to the colonists of Australia. The Maoris were anything but savages. Although their knowledge of the arts of peaceful life was limited when New Zealand colonization began, they knew something of agriculture, navigation, house-building, wood-carving and other pursuits. Above all, they were adepts in the art of war, which their men considered as the real business of existence, and pursued with a zest and skill which made them formidable enemies. At the same time they possessed chivalrous and generous qualities, which occasionally manifested themselves in startling ways.

On the whole, it was quite impossible to treat the Maoris as the colonists of Australia treated the aborigines—with contemptuous neglect. The Maori could not be overlooked; and the treaty of Waitangi and the wars of the sixties are

landmarks in New Zealand history. Though the Maori has failed to harmonize with and take part in the European civilization which has grown up around him, though he seems doomed to extinction at no distant period, yet he is still to some extent in possession of the land of his fathers, and he has left his mark on the institutions of New Zealand no less than on the character of the New Zealand colonist.

It is perhaps difficult to make an English reader understand the essential difference between the Australian Colonies and New Zealand, and indeed, it may well be possible to exaggerate it. But to one familiar by personal contact with the two countries, the difference is unmistakeable. Perhaps it consists mainly in the fact that the development of New Zealand has been at a slower rate than that of Australia, though on much the same lines. But even this difference is a factor of vast importance, for a different rate of development produces a different character of development. We shall not attempt then, in these pages, to tell the story of New Zealand along with that of Australia, at least until we come to deal with those modern aspects of history in which they are essentially alike.

CHAPTER II.

THE FOUNDING OF NEW SOUTH WALES.

Origin of the colony.

IT is universally known that the actual history of Australia, as a European settlement, dates from the landing of Captain Phillip at Botany Bay on the 18th January 1788. It is equally well known that the bulk of Captain Phillip's expedition consisted of men and women who, under the barbarous criminal law of the time, had been sentenced to transportation for various periods (in most cases of seven years) for offences of greater or less magnitude. The conclusion is drawn from this latter fact that Australia was, at the first, and was intended to be, nothing more than a penal settlement, a mere means of ridding England of undesirable individuals. And it is assumed that the subsequent developement of the colony of New South Wales into a prosperous free community was a happy accident. This is a profound mistake.

It will easily be understood that the famous voyage of Cook and Banks had created a considerable sensation. Exploration was a fashionable pursuit, both in England and elsewhere, at the close of the eighteenth century. George III himself was a munificent patron of scientific research, and loyal subjects could do no less than imitate his example. Cook, originally of humble position, rose deservedly to honour and dignity; Banks became President of the Royal Society, and was knighted. The glowing description of Botany Bay

which he had given was not forgotten; and people somewhat hastily assumed that a spot so prolific in flowers must prove a kind of Eden to the happy settler.

Loss of the American colonies.

While the minds of men were in this condition, there occurred one of the most disastrous losses which the fortunes of England have ever suffered. Just at the time when Cook and his companions were doing their great work in the South Seas, a series of unparalleled blunders and follies on the part of English statesmen had driven the English colonies in America into an unnatural war with the mother country. After generations of neglect and indifference, England was beginning to grow very proud of her children beyond the sea; and, though the high spirit of the nation at first backed George III and his ministers in their obstinate determination to deny these children the privileges of manhood, yet, when the facts became known, public opinion, instructed by the great Lord Chatham, rose slowly against the follies of the Government. When a disastrous war terminated in the final loss of the American colonies (a loss formally admitted by England in 1782), public feeling, apparently more sensitive than the Government upon the subject of national honour, cast about for a plan by which the losses of the war might be repaired. While the Parliament, in 1781, abolished the office of Secretary of State for the Colonies, and even swept away the Council of Trade and Plantations, thereby signifying its belief that the colonial career of England had closed, the popular mind, as represented by men of science and philanthropy, saw in the discoveries of Cook and Banks an opportunity for recovering lost ground.

Treaty of Paris.

Difficulties of colonization.

But with Europe barely resting from the convulsions of a continental war, with the eyes of all the Sea Powers bent on maritime conquest abroad, it would have been childish folly to make any

private attempt to settle a colony in Australia. The settlement would simply have been snapped up by the war-ships of some European power, or made the scene of buccaneering enterprise. This the advocates of colonization very well knew; and they realized, therefore, that the first object of their efforts should be to overcome the supineness of Government on the question.

Beginnings of transportation.

They might have waited long enough, until indeed the French Revolution had filled the minds of English statesmen to the exclusion of everything else, but for one lucky accident. The loss of the American colonies had incidentally put the Government to a great deal of inconvenience on one point. Even before the outbreak of the Civil War, the eagerness of the American colonists to obtain a supply of labour upon any terms had induced the Crown to give convicted prisoners the informal option of escaping a severe, possibly a capital sentence, by consenting to banishment to America. At first this practice was purely voluntary; there was no legal power to transport a convict if he preferred to be hanged. But when the circumstances of the Civil War had brought England into closer touch with her colonies, it was resolved to give Parliamentary sanction to a practice which had proved, on the whole, beneficial. Accordingly, a statute of the year 1666 authorized the transportation of "lewd, disorderly, and lawless persons," convicted of theft in the counties of Northumberland and Cumberland, to any of His Majesty's possessions in America, not to return upon pain of death. Apparently the Act worked well, for in the year 1670 the permission was extended to include all persons convicted of the capital offences of nocturnal arson and maiming of cattle; though in such cases the clause against return was limited to seven years, and the prisoner could not be transported at all without his consent.

The system was gradually extended by Act of Parliament

to other offences, until, at the time of the Declaration of Independence, the annual export of prisoners had reached an average of nearly 500, most of whom went to the southern colonies of America. The process was exceedingly welcome to the Government; for the value of prisoners had increased so satisfactorily that, instead of being obliged to be at heavy charges for their maintenance in England, the Secretary of State found contractors perfectly willing to take the convicts off his hands, without subsidy, or even allowance for expenses. The value of a "common male convict" in the colonial market was about £10; of women £8 or £9. Trained artificers fetched more than twice as much. Of course the transported convict did not find himself a free man when he landed in America. He was "assigned" to his purchaser, and practically remained in slavery till he could purchase his freedom. The social side of the system will be found discussed, with that author's usual vividness of imagination, in the works of Defoe. One serious drawback to its success, from the humane point of view, was that about one seventh of the convicts died, either in prison or on board ship, before reaching the shores of America.

The loss of the American colonies, then, came as a severe blow to this system. The Government now frankly admitted that "the transportation to the American colonies was attended with much difficulty"; and Mr Duncan Campbell, the chief transportation agent, in his evidence before the Commons Committee of 1779, stated that the revolt of the colonies had practically put an end to the trade. At the same time, the exertions of the philanthropist John Howard had called public attention to the evils of the prison system, and rendered it impossible for the old scandals of the Fleet and the Marshalsea to continue. The "hulks," or river-ships in which the worst prisoners were confined, were equally unpopular. The

Checked by the separation between England and America.

Government was brought face to face with a problem of great difficulty.

The enquiry of 1779.

The result of the enquiry undertaken by the House of Commons in 1779 was an Act of Parliament passed in the year 1783, which authorized the King in Council to fix places, either within or without the British dominions, to which offenders might be transported. In the course of its enquiry the Committee had received suggestions from various witnesses as to suitable places for the future reception of convicts. The suggestions were only three; one that convicts should be sent to labour on the fortifications of Gibraltar (a plan which the Committee did not seriously entertain), a second that one of the British settlements on the Gambier river should be chosen, and the third, made by Sir Joseph (then Mr) Banks, that an attempt should be made to colonize Botany Bay. The evidence against the Gambier scheme was overwhelming. The mortality amongst the free European settlers on the west coast of Africa was so startling that the Committee shrank aghast from the proposal. Even its advocates admitted that "on their first arrival the climate would probably be fatal to numbers," and one in six was suggested by experts as the probable mortality. So that it appeared, as it has been well put, that the Gambier scheme was merely a means for "the execution of capital punishment by malaria."

Mr Matra's plan.

Nevertheless, the statute of 1783, which received the royal assent on the 30th June, did not in any way indicate Australia as a place of transportation; and it was left once more for private enterprise to move in the matter of Australian colonization. In August of the same year Mr Matra, afterwards well known as British consul at Tangiers, presented a memorial to the Government, urging the importance of effecting a settlement in New South Wales. As this memorial (still preserved in the Colonial

Office) is virtually the germ of Australian settlement, it is worth while to notice that it contains no reference whatever to the question of transportation. Inasmuch as Mr Matra was evidently anxious to urge every argument in favour of the scheme, this fact seems to make it clear that the idea of an Australian penal settlement had not yet taken hold of men's minds. The only political suggestion in the memorial is that the proposed settlement will afford an asylum to the unfortunate American loyalists, whose devotion to the mother-country has left them in a painful position. The other arguments are purely economic. They dwell largely upon the commercial advantages to be derived from settlement in New South Wales, and suggest that "with good management and a few settlers, in twenty or thirty years they might cause a revolution in the whole system of European commerce, and secure to England a monopoly of some part of it and a very large share in the whole." The memorial recommends, in fact, as the basis of settlement, the rather rare material of "marines accustomed to husbandry."

The Government's attitude.

The suggestion of a convict establishment came from the Government. In a conversation between Lord Sydney and Mr Matra on the 6th April 1784, the former hinted at the matter, and Matra, with all the eagerness of an enthusiast who grasps at every argument which seems to help his plan, at once fell in with the suggestion. That he regarded it, however, as but a subsidiary part of the scheme, is clear from the pains which he took to induce free settlers to join the expedition.

The actual scheme.

But with the Government the case was different. The prospect of getting rid of convicts was here evidently the motive power, and, though the Attorney-General also suggested political considerations with respect to the navigation of the China seas, it is evident that the Government plan was one of a convict settlement. In fact the Government adopted such a scheme, drawn up by

Sir George Young. Yet it is worth noticing that, even in the official instructions given to Captain Phillip, the latter is directed at once to send home particulars of the new country in view of probable free emigration. The situation then is clear. A convict settlement formed no part of the scheme of the earliest advocates of settlement in New South Wales. Its inclusion was the price they paid for Government assistance, without which it would have been impossible to stir.

The Orders in Council.

The negotiations dragged on, as Government matters were apt to do in those times, and it was not till the close of the year 1786 that Orders in Council definitely fixed upon the eastern coast of New Holland as a place to which convicts might be transported under the Act of 1783. By that time, however, preparations for an expedition were in full swing; and early in the following year its members began to assemble.

Captain Phillip.

A word should be given to the man who had the good fortune to lead an expedition which resulted in the planting of a new continent. The choice of the Government fell upon Arthur Phillip, the son of the widow of a naval captain, who had married a German settled in London as a teacher of languages. Mrs Phillip's first husband, Captain Herbert, is said to have been related to the powerful family of the Earls of Pembroke. During her first husband's life Mrs Phillip would have made friends in naval circles, and it is not, therefore, surprising to find that, at the outbreak of the Seven Years' War, in the year 1755, Arthur Phillip, then sixteen years of age, took service in a man-of-war. The times were favourable for a gallant spirit. The previous wars of the century had made promotion easy, and there was no lack of opportunities for distinction in the present. Phillip was present at the capture of Havannah by Lord Albemarle in 1762, being already of lieutenant's rank; and he is generally supposed to have secured something considerable

out of the plunder of the city. At any rate, on the cessation of hostilities in the following year, he, then just of the age of twenty-five, was able to marry and settle down as a country gentleman at Lyndhurst in the New Forest.

But peace eventually palled upon his ardent spirit, and, finding no need of his services in his own country, Phillip volunteered to serve Portugal in her colonial quarrel with Spain. England had already shown her goodwill towards Portugal at the close of the Seven Years' War; it was natural, therefore, that an English officer should feel drawn to her flag. Equally natural was it that Spain and France, anxious to humiliate their ancient enemy, should seize the opportunity of the American rebellion to join the colonists against the mother-country, a movement which at once involved England in naval war on a large scale.

French War.

This turn of events brought Phillip back to England in hot haste, and he was immediately gazetted to the command of a fireship, a step which was followed in the year 1781 by his promotion to the rank of post-captain, with command of the frigate *Ariadne*. He served with distinction throughout the war, and, at the conclusion of the peace of Versailles in 1783, returned once more to a repose which appears to have been always uncongenial to him, and from which he was again summoned by the commission to take charge of the expedition to Botany Bay. It will be noticed that, hitherto, Captain Phillip, though he had given abundant proof of warlike capacity, had shown no evidence of ability to direct peaceful undertakings. But it was probably necessary to choose between a warrior and a statesman; and the Government preferred the former.

The expedition.

The expedition, as finally arranged, consisted of two men-of-war (the frigate *Sirius*, which carried Phillip himself, and the tender *Supply*, under Lieutenant Ball), six transports carrying about 750 convicts

(550 men and 200 women[1]), and three store ships. The fleet also carried a detachment of marines, 208 in all, who were principally distributed amongst the transports, as guards over the prisoners, besides 40 free women (wives of the marines) and, presumably, the usual complement of crews. Taken altogether, there cannot well have been less than 1100 souls engaged in the expedition—about as many as are now carried by one first-class Australian liner during a busy voyage. On the 13th May 1787 Captain Phillip, as Commodore of the squadron, gave orders to weigh anchor, and the first emigrants started for Australia.

Route.

The route taken was by the Canaries and Santa Cruz, across the Atlantic to Rio de Janeiro (for the sake of avoiding the calms of the African coast), and from Rio to the Cape of Good Hope. Soon after leaving the latter port, the squadron broke into two parts; Captain Phillip in the *Supply*, accompanied by the transports *Alexander*, *Scarborough*, and *Friendship*, going on ahead, and Captain Hunter, in the *Sirius*, taking command of the rest of the convoy. On the 18th January 1788 the *Supply* reached Botany Bay, followed during the next two days by the rest of the fleet.

Botany Bay.

It was evident at once to Captain (or, as we must now call him, Governor) Phillip's practical eye, that, however excellent a hunting ground for scientific explorers, Botany Bay was no suitable site for a colony. Not only did the harbour afford no proper protection to vessels; but the supply of fresh water was inadequate, and the ground soft and marshy. So, obeying the letter of his instructions, which forbade him to delay landing his men in the hopes of finding a better harbour than Botany Bay, the Governor gave orders for the preparation of a site for landing, but himself at

[1] The numbers of the convicts are variously stated by the authorities.

once set out in an open rowing boat to discover a better harbour elsewhere. His hopes were bent upon Port Jackson, another inlet on the coast, about three leagues to the north of Botany Bay, mentioned by Captain Cook in his account of his voyage. This he speedily discovered, and the eyes of the party were gladdened by the sight of a magnificent harbour, now the pride and delight of the citizens of Sydney. Though wide at the mouth and of vast extent, the port is broken up by innumerable headlands which jut out from its shores, into as many smaller coves or inlets, each of which is practically a harbour within a harbour. The height of the banks, and the abundant growth of the trees which line them, afforded complete protection from the wind, from whatever quarter it came, and the chief difficulty of the Governor and his officers was to select from so many candidates for favour the actual site of the intended settlement. After various attempts, the choice ultimately fell on an inlet which possessed an abundant supply of fresh water, and was further distinguished by banks so steep that even the largest ships of the expedition could moor right under the shore. In honour of the Secretary of State this inlet was named "Sydney Cove." Returning to Botany Bay only two days after he had left it, the Governor found his predictions of its unsuitability amply verified by experience. All the reports which reached him from actual explorers were unfavourable; and he no longer hesitated to give the word for the removal of the settlement. This was on the 24th of January 1788, less than a week after the *Sirius* had sailed into Botany Bay. Now occurs one of the most startling incidents in Australian history.

Pérouse.

As the expedition was making preparations for departure on the 24th January, its members were astonished to see in the offing two ships carrying French colours. Governor Phillip at once bethought him of rumours which had existed, of an expedition sent out before his own

from France. His suspicions proved correct. The French commander, M. de la Pérouse, had been despatched from France in the year 1785 on a voyage of discovery, had coasted round both shores of South America, had sailed north as far as Nootka Sound, and then, following Cook's track in his last voyage, had struck south by the Sandwich and Friendly Islands to Australia. The Frenchmen, though they hovered about the coast for several days, made no effort to interfere with Governor Phillip's proceedings—in fact, friendly relations were entered into between the two parties; and it is, of course, quite possible that no permanent consequences were intended to follow in the way of French colonization. On the other hand, it is quite clear that, until the arrival of Governor Phillip's expedition, Great Britain had no title whatever to Australia. The formal claim made by Cook, not being followed by actual occupation, could give no better right than the earlier discoveries of Spain and Holland; and, until the actual taking of possession by Governor Phillip, the French had as good a right as any one to settle. It is seizure, not discovery, which gives a title by the Law of Nations; and there is, therefore, some justification for the saying that England won Australia by six days.

Warned by the appearance of possible rivals, the expedition made all haste to Port Jackson, where a landing was speedily effected, and, on the 26th January 1788, formal possession was taken of Sydney Cove, although the proclamation of the Colony and the reading of the Governor's Commission did not take place until the 7th February. During the whole of the long voyage the expedition had lost less than forty lives; a very small number if the circumstances be taken into account. Soon after the landing, however, dysentery and scurvy broke out, and, until natural remedies were discovered, the health of the colony suffered severely.

Removal to Port Jackson.

The commission of Governor Phillip defined the territory

of New South Wales as including the whole eastern coast of Australia (as it was then believed to be) from Cape York (Torres Strait) in the north to South Cape (the southernmost point of Tasmania) in the south, with an inland or western boundary of the 135th degree of longitude E. The colony was also to comprise all the adjacent islands of the Pacific Ocean within the same degrees of latitude as the mainland. These dimensions, if literally construed, would have included not only the present colonies of New South Wales, Queensland, Victoria, and Tasmania, with a good slice of South Australia, but also the bulk of New Zealand, the whole of the New Hebrides, Fiji, Samoan, Friendly, and Society groups, as well as Norfolk Island, Lord Howe Island, and other isolated spots. Of course no serious attempt to defend such an enormous territory could have been within the deliberate projects of the Ministry of the day; but no doubt it was thought well to open the mouth as wide as possible. There are always plenty of people willing to believe that because they desire a thing they are in some mysterious way entitled to it.

Limits of territory.

Nevertheless, in order to show that the sovereignty of the Pacific Islands was not to be a mere empty boast, one of Governor Phillip's first formal acts was to despatch Lieutenant Gidley King, with a small party of marines and convicts, to take possession of Norfolk Island, favourable accounts of which had been brought home by Cook, and upon which M. de la Pérouse had also reported. The expedition under Lieutenant King, which left Port Jackson on the 14th February 1788 in the tender *Supply*, duly arrived at its destination, and in the following month the ship returned to Port Jackson, with glowing accounts of the new settlement. The soil was apparently fertile, there was water in abundance, fish and fowl were to be caught in numbers on the shores and in the forests, the pine with which the island was

Norfolk Island.

covered was no mere rubbish demanding labour to clear away, but a valuable store of timber, and the flax plant grew wild, affording opportunity for the immediate establishment of a profitable industry. On the return voyage the commander of the *Supply* explored and named Lord Howe Island.

Settlement of Norfolk Island.

So good was the news that, in October 1788, a fresh detachment of marines and convicts was sent to Norfolk Island, and a colony definitely established under the rule of Lieutenant King, as a subordinate of the Governor of New South Wales. The subsequent history of the little community has been romantic and interesting; but it can be disposed of in a few words. After being used as a penal settlement until 1855 (with the exception of a few years at the beginning of the century), it was suddenly cleared and prepared for the reception of the Pitcairn islanders. These persons were the descendants of a handful of mutineers who had set their captain (Bligh) and a score of men afloat in an open boat in the Pacific in the year 1789. The mutineers, doubtless believing that Bligh would never again be heard of, made their way to the tiny Pitcairn Island, and there, after a few stormy years, ultimately settled down into a condition which is usually described as idyllic. It is to be feared that this stage was reached by a rather severe process of struggle, which resulted in the undisputed survival of the strongest; but the notoriously imperious character of Bligh (who, curiously enough, was afterwards Governor of New South Wales), and the fact that the mutineers, instead of murdering their commander, merely set him afloat, whereby, after a marvellous voyage, he ultimately escaped with his life, go a long way to palliate the undeniable fact of mutiny. For a long time the fate of the mutineers was unsuspected; but in the year 1814 the community on Pitcairn Island was accidentally discovered. It was too late to think of punishment when, in fact, most of

the original mutineers were dead, and the Pitcairners remained an object of increasing curiosity till the year 1856, when, having grown beyond the resources of their little territory, they were removed to the newly vacated Norfolk Island. Many of them, however, returned to their old home, which their descendants still inhabit. At the present day the population of Norfolk Island numbers about 750, that of Pitcairn Island 120, and that of Lord Howe Island about 50. All three islands are under the supervision of the Governor of New South Wales. The clearing of Norfolk Island in 1808 has left its trace in the name of New Norfolk in Tasmania, a beautiful township on the river Derwent, to which the settlers were removed.

Under the wise rule of Governor Phillip, things prospered with the settlement at Port Jackson. At first, indeed, serious difficulties arose with regard to provisions, the Home Government having somewhat too hastily assumed that the colony would in a short time prove self-supporting. There was so much preliminary work to be done in the way of erecting houses for the Governor and his staff, barracks for the marines, and hospitals for the sick, and the denseness of the forest which covered the shores of the port was so great, that it was some time before any serious attempts at agriculture could be made. The land was not ready for autumn sowing, and when an attempt was made in the spring it was found that the soil in the neighbourhood of Sydney was not favourable to cereals. So that, although, according to the official report of the Commissary, there were, on the 30th Sept. 1788, sufficient quantities of most of the necessaries of life to last for a year, famine very soon began to stare the community in the face. The transports had already been dismissed, and the Governor sent the Government vessels one after another to the Cape of Good Hope and to Norfolk Island for supplies; but the ships met with bad luck,

The colony at Port Jackson.

and only the unexpected arrival of supplies from England saved the colony from grave disaster. In other respects, matters were satisfactory. The health of the settlers improved. After one or two striking examples had been made, the convicts settled down tolerably well; and, on the whole, the relations with the aborigines were good.

The arrival of fresh settlers, most of them convicts, necessitated a further developement of the resources of the colony. Fresh settlements were accordingly made at Parramatta, on the river of that name, about fifteen miles due west of Sydney, and in the neighbourhood of Richmond Hill, on the Hawkesbury River, which runs into the sea at Broken Bay, about twenty miles north of Port Jackson. On the banks of the Hawkesbury the Governor found the rich wheat land which he had been seeking, and the success of the crops, though endangered by the sudden floods which are the bane of Australian rivers, ultimately put an end to any fear of want of the necessaries of life. In the year 1790 large re-inforcements reached the colony, including a detachment of a newly-raised regiment, the New South Wales Corps. By the same ships instructions arrived for the free grant of lands on a liberal scale to such of the marines and other freemen as were willing to settle in the colony, especially to those who volunteered for service in the new regiment. It had previously been ordered that every convict, when his term of service expired, should be entitled to a grant, varying from thirty acres upwards, according to the circumstances of his family. A small stock of sheep reached the colony and was carefully fostered by the settlers. For a long time it was supposed that cattle could not be reared, but in the year 1795 it was discovered that the stragglers which had escaped into the bush had accomplished in a state of nature what the efforts of their owners could not accomplish, and the possibility of acclimatizing them was proved beyond question. It was some time, however, before cattle-rearing attained any

success. In the year 1796 imported cows sold for as much as £84 a head.

During the remainder of Governor Phillip's term of office there were few striking incidents. The accounts of that period which we possess deal mainly with the attempts to establish various industries of which the colony stood in need, the variations of the seasons and crops, the visits of trading vessels from India and the Cape, the behaviour of the settlers, and the relations between the colony and the aborigines. According to the official reports the two last points did not long continue satisfactory. Crimes of every kind were frequent, and the conduct of the "emancipists," or those whose sentences had expired, is described as being almost worse than that of the actual convicts. In spite of the fact that the result of their labour would now go into their own pockets, the emancipists were lazy and dissolute, relying on the belief that the Government would not allow them to starve, whatever their demerits. This was especially the case at the Hawkesbury settlement, which really afforded the best prospect of successful agriculture, but the distance of which from headquarters prevented a thorough supervision. Unfortunately, the number of free settlers who arrived during Governor Phillip's reign was very small. Unfortunately, too, some of the settlers discovered a method of distilling spirits of an inferior but highly intoxicating character from the wheat which they grew, and thus put it beyond the power of the Government to regulate the supply of intoxicants. Although a few of the younger men among the aborigines acted as farm servants, and a few of their women and children hung about the various settlements, it was quite clear that any permanent union for industrial or social purposes between the white and black races was out of the question. The pages of contemporary annals are full of accounts of treacherous attacks by the blacks, provoked no doubt, in most instances, by ill-treatment, and of cruel reprisals made, some-

times by the Government, but oftener by private and unlicensed authority. Of the personal humanity of Governor Phillip there can be no doubt, but circumstances were too strong for him.

Governor Hunter.

At the close of the year 1792 Phillip resigned office and returned to England. After an interval of nearly three years, during which time the government of the colony was administered by Captain Grose and Captain Paterson respectively, Captain Hunter arrived as Governor (Sept. 1795). Captain Hunter had sailed, along with Governor Phillip, in the *Sirius*, on the original expedition of 1787; and, though he had not remained very long on the occasion of his first visit, he was probably better acquainted than a total stranger would have been, with the requirements of the colony.

Under Governor Hunter the fortunes of the colony rose steadily. One year after his arrival the total live stock was just over 5000 head, and 5400 acres of land had been cleared for cultivation. Fifteen months later, at the close of the year 1797, the stock had risen to above 9000 head, and, though there appears to be no record of land cleared, there were nearly 5000 acres under actual cultivation for grain, while in the previous year much of the cleared land had been wasted. In August of 1798, though the stock had only risen to about 10,000 head, the number of acres in crop was upwards of 6000. In another twelve months the number of acres in crop had risen to nearly 8000, though the increase of stock in the year had again only been about 1000 head. But these figures tell us very little unless we look at them in relation to others. On the arrival of Governor Hunter the total white population of New South Wales had been under 4000. At the close of his term of office, in the year 1800, according to Mr Mossman (though his authority is not quoted), it had increased to 6000. We are probably safe in taking

the latter figure as a maximum for any period during Governor Hunter's term of office, and we can thus arrive at a notion of the relationship between the population and the means of subsistence; and this is the true test of the material condition of a community. It will be noticed that, supposing the increase of the population to have been fairly steady, the number of acres in grain crop very nearly equalled, at any given period, the number of inhabitants. As the average yield of grain was at this time about 35 bushels to the acre, and as the amount required to be set aside for seed was about one bushel an acre, it is clear that, in average years, the grain raised would average something over 30 bushels a head of the whole population. As the average consumption of grain in England at the same period was reckoned at not less than six quarters per annum, it is probable that, even at the end of Governor Hunter's reign, the colony could not feed its own population, even so far as regards grain foods, on the same scale as that adopted in England. And in flesh the deficiency was, of course, far greater; it was long before salt meat ceased to be the staple food of the colony, and the arrival of the store ships to be awaited with anxiety. Yet the fact of progress was evident, and the steady increase of sheep and cattle, as compared with the inferior animals, such as goats and swine, showed that stock was improving in quality as well as quantity.

The three most notable events of the period are the discovery of coal, the expedition of Bass to Tasmania, and the explorations to the north of the existing settlements.

In May 1797 a boat which had been fishing a short distance south of Botany Bay was hailed by three strangers from the coast. On being taken off, the strangers declared that they had started from Bengal a few months before in a ship called the *Sydney Cove*, with a speculative cargo for Port Jackson. Immediately after

Discovery of coal.

rounding the South Cape (then believed to be part of the mainland) the *Sydney Cove* had been driven on shore, waterlogged. Seventeen of the crew started thence in the ship's long-boat, with a view of reaching Port Jackson. They were, however, again wrecked, but this time, fortunately, on the mainland, at a place called Point Hicks. From hence they started to walk to Sydney. Two of them gave up in despair; but the remaining three, a man named Clarke and two companions, pushed on till they were seen by the fishermen. After reaching Sydney, Mr Clarke stated that, two days before being rescued, he and his companions had discovered a large outcrop of coal, so easily workable that they had then and there gathered enough to make a large fire, by which they had slept during the night. Such news was not to be overlooked, and Mr Bass, the surgeon of the Government vessel *Reliance*, an intrepid spirit, immediately went off in a whale-boat in search of the treasure. He soon discovered that Clarke had spoken truly, for about seven leagues to the south of Point Solander, in the Illawarra district, there was visible in the face of a steep cliff, wasted by the sea, a stratum of coal, in width about six feet, and extending eight or nine miles to the southward. The coal was good, but its situation was so difficult of access, that, in the existing state of affairs, it was felt that any attempt to work it would be futile.

This disappointment was, however, speedily avenged; for in September of the same year (1797) Lieutenant Shortland of the *Reliance*, sent northwards in pursuit of some runaway sailors who had stolen a boat, entered a hitherto unknown river, about a hundred miles north of Port Jackson. The mouth of the river afforded an excellent harbour for ships, but, in addition to that, Shortland observed with satisfaction the existence of coal in a position peculiarly easy for shipment. Naming the river after the Governor, the discoverer returned to Sydney with all speed, and reported his news. Steps

The Hunter River.

were at once taken to utilize the discovery, and the town of Newcastle, now so important in Australian industry, was founded. Up till 1821 the coal mines were worked entirely by convict labour. In 1826 they were handed over to the Australian Agricultural Company upon a monopoly for 21 years. Since the expiry of the monopoly, the mines have been worked on competitive principles, with the result that the output has risen rapidly, till in 1892 it exceeded three million and a quarter tons.

The expedition of Mr Bass, which led to the discovery of the fact that Tasmania is an island, is one of the boldest experiments on record. **Discovery of Bass' Strait.**

Although the captain and the bulk of the remaining crew of the *Sydney Cove* had been rescued immediately after their existence had been made known by Mr Clarke, a few men had been left to guard the wreck until the summer, when an attempt was to be made to save some of the cargo. These men showed considerable boldness in exploring the adjacent coasts, and a suspicion was engendered in the minds of those who heard their accounts, that the accepted ideas concerning Tasmania were unsound. Seizing the opportunity of escape from enforced idleness, and, obtaining permission to take an open boat, manned by volunteers from the king's ships, Surgeon Bass embarked on a coasting voyage to the south. Though the smallness of his vessel did not permit him at once to attempt an investigation, he saw enough to convince him that between New South Wales and Van Diemen's Land (Tasmania) there existed a channel capable of admitting the full swell of the Pacific from the west, and the same opinion was formed by Lieutenant Flinders, also of the *Reliance*, who had accompanied the *Francis* in her second voyage to the rescue of the *Sydney Cove*. In August of the year 1798, Flinders and Bass set off again together in a small decked boat, the *Norfolk*. After thoroughly exploring Twofold Bay, at the south-eastern

extremity of the main land, the adventurers proceeded southward, touching at many of the little islands which lie about the northern and eastern coasts of Tasmania, and adding to the list of known Australian animals the curious wombat. Then sailing due west, they explored the northern coast, entering Port Dalrymple (formed by the outflow of the river Tamar), and finding abundance of black swans, geese, and other birds. Keeping again west, they sighted and named Table Cape and Circular Head, and pressed on until the sight of shore trending away to the south-east, and washed by the roll of main breakers, convinced them that they had achieved the main object of their search, the thorough proof that between Van Diemen's Land and New South Wales there lay a complete and navigable channel. Following the western coast of Tasmania, they reached South-West Cape, and finally South Cape itself, when they were in comparatively well-known waters. A gale carried them past the opening of Storm Bay, and prevented the immediate entry of the Derwent river; but, working back through Frederick Henry Bay, the intrepid adventurers sailed up the Derwent, and at length succeeded in catching a blackfellow, the first whom they had seen, though the smoke of fires had often been visible. Finally, coasting along the eastern shore, the expedition indulged in seal hunting in the north-eastern islands, and at last reached land at Sydney after a complete circumnavigation of Tasmania. Additional interest attaches to the voyage from the fact that the *Norfolk* was an Australian built boat, having been constructed of Norfolk Island pine. Her burden was only five-and-twenty tons, yet in this little craft Flinders and Bass accomplished a five months' voyage in unknown seas, where no supply of provisions or shelter could be counted upon.

Queensland.

In the following year (1799) the little *Norfolk* again sailed on a voyage of discovery. This time the direction was northerly, and Lieutenant Flinders alone con-

ducted the expedition. Running along the shore, the vessel reached Cape Moreton, as it had been named by Cook, who appears to have had no suspicion that the point to which he gave the name was not part of the mainland. Flinders, however, exploring the bay to the north, found that the so-called Moreton Cape was an island at its mouth. Entering upon a careful examination of the bay, he found a river which, from the nature of its banks, he named "Pumice Stone River." Here he saw a good deal of the aborigines, who appeared of a somewhat higher type than those of Port Jackson, having risen to the industrial level of fishermen. Flinders also explored Hervey Bay and Curlew Island, and was able to report the existence of turtle and whales along the coast. This expedition may be said to have directly prepared the way for the settlement of the Moreton Bay District, afterwards the nucleus of the colony of Queensland; just as the expedition of the previous year prepared the way for the colonization of Tasmania.

Governor King.

Governor Hunter's successor was a man of whom we have already heard, like Hunter himself a member of the original expedition under Captain Phillip in 1787, and therefore well acquainted with the conditions of the colony. Philip Gidley King had been lieutenant of the *Sirius* when Hunter was its captain; and he had subsequently distinguished himself by his prudent and successful government of the little settlement in Norfolk Island. He had by this time been raised to the rank of Captain in the Royal Navy, having gone home invalided from Norfolk Island in 1790. In the following year, however, he had returned with a regular commission as Lieutenant-Governor, and the magnificent allowance of £250 a year. On the retirement of Captain Hunter in the year 1800, it was thought by the Home Government that King's long experience of Australian affairs would make him a fit successor; but they overlooked the obvious

truth that officials and, for the matter of that, private men, are often very unwilling to submit to the rule of one whom they have long known in an inferior position.

Traffic in spirits.

And indeed there happened to be one very difficult question awaiting the immediate handling of the new Governor. It has been mentioned before that the reckless and dissolute character of many of the settlers made the demand for spirits of all kinds exorbitant. The Government had all along striven to retain at least the wholesale trade in its own hands, more on moral than financial grounds, for the prices charged at the Government stores were very moderate. But the cupidity of some of the cleverer settlers had taught them a method of distilling inferior spirits from wheat; and these they retailed at an enormous profit. The Government had found great difficulty in putting down this practice, which was a deliberate defiance of the revenue laws. But a far more difficult problem now presented itself. The New South Wales corps, which, as we have stated, had been raised in England expressly for service in Australia, was officered by men who were, in many cases, soldiers in little more than name. With the prospect of a huge continental war in Europe, there was plenty of scope there for the ambition of those who were soldiers indeed. And so it happened that several commissions in the New South Wales Corps had been given to men of no military experience, who volunteered to serve mainly with a view of utilizing the commercial advantages offered to the favoured settlers and officials of the colony. On their arrival they found that one of the most profitable pursuits in which they could engage was the trade in imported spirits. The Government had already adopted a licensing system, and, so long as the traders paid the revenue duties, and did not take advantage of their position as officials of the colony to push their wares, the enterprise was legitimate enough. But it seems to be proved beyond all question that the temptation to

abuse their positions was too strong for at least some of the officers. As officials of the colony they had immense influence over the conduct even of the emancipated settlers, and with the convicts they were, of course, all powerful. If they used this influence in the direction of the consumption of spirits, their efforts would meet with but too ready a response from the inclinations of the settlers, and one branch of the Government establishment would become simply a machinery for debauching the colony.

It is to be feared that this really happened. At any rate the Home Government thought so, for, in their instructions to Governor King, they expressly ordered him to prohibit the landing of any spirits at Port Jackson without his consent. This order Governor King carried out, at least to some extent, causing very large quantities of wine and spirits to be sent away from the port, and insisting upon the sale of the rest in open market at a moderate price. The monopolists were, of course, enraged at this infraction of their privileges, and a feeling of discontent, all the more dangerous that it existed amongst those who were nominally supporters of the Government, grew up in the colony. But King's personal influence seems to have prevented any outbreak among the officials during his own time. His successor, as we shall see, was less fortunate.

Convict insurrection.

In the year 1804 occurred the only serious rising among the convict population which the colony experienced. It is, in fact, a most striking testimony to the truth that even anarchy requires some degree of morals, that a mere handful of officials, with very little military experience, and with no possibility of succour from outside, should have been able to keep in check, with apparent ease, a large number of men hostile to all forms of government. It is terrible to think of what might have been the consequences if the convicts had once got the upper hand; for they would have been acting with halters round their necks,

and their first thought would have been to prevent the escape of a single official. But the treachery and heartless cruelty shown by the convicts towards one another seem to have rendered any attempt at conspiracy in most cases futile.

In the attempt of 1804, however, there were new features. The circumstances of Irish history during the closing years of the 18th century are well known, and the English Government found on its hands a number of prisoners whom it deemed essential to banish as far as possible from their native country. Many of these persons were not criminals at all, in the ordinary acceptation of the term, but political offenders, whose objects and even actions would at the present time be looked upon with leniency. In those days, however, the terror of the French Revolution was upon England, and there was little thought of mercy. From the year 1791, transports carrying Irish convicts began to appear in Port Jackson, where it is to be feared they met with a scanty welcome from the officials. Many of them, being deemed "intractable," were put to work in chains upon the public roads, and in the year 1804 a party of some 300 were employed at Castle Hill, between Parramatta and Windsor. Watching their opportunity, these men overpowered their guard, and, seizing its weapons, marched in the direction of the Hawkesbury River, where they expected to receive support from the settlers, whose disaffection was notorious. In this, however, they were disappointed, and, upon being charged by a handful of soldiers, they laid down their arms. Eight of the ringleaders were executed; the rest were pardoned.

Sheep-breeding.

But, though in other respects somewhat unfortunate, Governor King's reign was distinguished by the development of the capital industry of New South Wales—wool-growing. Among the officers of the New South Wales Corps was one John Macarthur, who, though bred to the army, had shown a most remarkable enterprise in agricultural experiment. He seems, however, to have been

convinced that the future of the colony lay in pastoral, rather than agricultural pursuits, and, having fortunately obtained from the Cape in 1797 a few of the fine merino sheep for which Spain had been famous, and of which she at one time possessed almost a monopoly, he devoted himself to scientific breeding. The conditions of pasturage in the colony immediately produced an alteration in the character of the fleece; but, by paying great attention to these effects, Macarthur succeeded in raising a type of wool which though different from was by no means inferior to the Spanish fleece. Having occasion to go to England in 1801, on account of a quarrel with a brother officer, which had resulted in the resignation of his commission, Macarthur devoted his spare time to interesting the English Government in his experiments. He succeeded so well that when he returned to the colony, in the year 1805, he carried with him an order for a free grant of 5000 acres of land, in the Cowpastures district, where the wild cattle had been found in 1795. This was the beginning of the famous Camden estate, so named after the Secretary of State of the period, and here, with the full sympathy and encouragement of Governor King, Macarthur began to develope on a large scale the pursuit of wool-growing. The annual export of New South Wales wool now exceeds three hundred millions of pounds, and constitutes one-half of the export trade of the colony, which, it must be remembered, occupies by no means so large an area as it did in Macarthur's time. To estimate at its true value the worth of his discoveries, we must reckon the value of the wool export of Victoria, Queensland, and Tasmania; for he is the father of their industry, as well as of that of New South Wales. Seldom has the perseverance of one man brought more splendid results. We shall hear of Macarthur again, in less prosperous circumstances, but it is right here to say that, besides the wool-growing industry, he did much to foster another staple branch of the commerce of the colony, viz. the wine trade.

The deposition of Bligh.

We now come to what is, perhaps, the most picturesque incident in the early history of the colony, the incident which most reminds us of the events which used to form the staple of European histories.

Governor King, who retired from office in 1806, was succeeded by Captain Bligh. The name is familiar to us as that of the commander of the *Bounty*, whose fate is intimately bound up with the history of Norfolk and Pitcairn Islands (p. 32). Subsequent events showed that Bligh's experiences on that memorable voyage were by no means unaccountable freaks of circumstance, but the natural consequences of his own peculiar character. Both in scientific ability and resourcefulness Bligh was eminent amongst his fellows. His personal bravery was beyond question, and he early acquired a great reputation. Though but thirty-three when appointed to the *Bounty*, his name was already associated with the discoveries of Cook, and with independent contributions to the science of navigation. He had fought with distinction in two naval engagements, and had gained by merit the rank of lieutenant. Even the revelations of the mutineers were counterbalanced by the admiration which his intrepid voyage had aroused; and the incident rather hastened than delayed his promotion. He rose to captain's rank, and earned distinction at Camperdown and Copenhagen, and in the mutiny at the Nore. Even his disastrous failure in New South Wales did not put an end to his prosperous career; he died full of honours, professional and scientific—Vice-Admiral of the Blue, and a Fellow of the Royal Society.

It is obvious that we must not too hastily assume that Bligh was alone to blame for the troubles connected with his name in Australia. But he came upon an errand which demanded the greatest care and discretion; and he showed very little of either quality. One of the most pressing instructions of the Home Government to the new Governor was to put an end at all hazards to the iniquitous official traffic in

spirits which was ruining the colony. The existence of the traffic was surely beyond question; the duty of suppressing it, therefore, clear. Nor could the delinquents complain that they were not warned. In February 1807 the Governor issued an Order totally prohibiting the use of spirits and liquors as payment for labour or goods—in other words, adopting the spirit of the Truck Acts by insisting on money payments, at least in the liquor trade. In a country like England, such an order by an executive authority would, no doubt, have been unconstitutional; but it must be remembered that, in the existing stage of the colony's history, the Governor was of necessity invested with almost absolute power, and that he was carrying out instructions received from home.

But, in enforcing his policy, Bligh was far from prudent. We cannot disregard the general testimony to the harshness of his character, and his want of consideration for the feelings of others. And at last he took a most unfortunate step. A month after the issue of the famous Order, a ship arrived at Port Jackson carrying two stills, one of which was consigned to Mr Macarthur, by this time one of the leading inhabitants of the colony. Private distilling of alcohol being unlawful, the Governor ordered the still to be reshipped. Here he was unquestionably within his rights, although, in the circumstances of Macarthur's position, and the fact being considered that he was known to be engaged in experiments in wine-making, more forbearance might have been shown to him. But the Governor was suspected, rightly or wrongly, of being personally hostile to Macarthur, and for the next few months relations were very strained. Ultimately, on what appears to have been a very trifling charge, not of a criminal character at all, Macarthur was summoned by the Judge-Advocate to appear before him. Macarthur, either treating the summons as a formality, or else unwilling to compromise his dignity by appearing before a tribunal which he did not respect, merely sent an explanatory

letter; whereupon the Governor issued a warrant for his arrest.

On being brought before the Court, which consisted of the Judge-Advocate and six military assessors, Macarthur objected to the presence of the former, on the ground that he (the Judge-Advocate) was personally hostile to himself. The military assessors sustained the objection of the prisoner; but the Judge-Advocate declined to vacate his seat, and, as he was directly appointed by the Crown, the Governor had no power to supersede him, even had he wished to do so. It is clear, however, that there was a strong feeling of hostility against the Governor in the minds of the military officials; for not only the assessors, but also Major Johnston, the actual commandant of the forces, refused to obey the Governor's summons to an interview. In this refusal they were obviously guilty of a breach of discipline, if of nothing more; for Bligh was their commanding officer, and, as such, at least entitled to their presence.

It was evident that matters had now gone too far to be compromised, and Major Johnston put the seal to the act of revolution by taking possession of the Governor's person at the head of the troops, and immediately assuming the reins of government. This event happened at the close of January 1808, and was attended by the orthodox accompaniments of revolution. The adherents of the Governor were dismissed, and the favourers of the opposition, including Macarthur himself, were installed in their places. The Governor was not put to death, but he was kept in prison for twelve months. Here lies the weak point of the proceedings, from the point of view of the revolutionary party. If, as they alleged, the Governor's conduct justified theirs, they should have at once sent him home to plead his cause before the only tribunal capable of judging between them, accompanying him with such witnesses as were necessary to prove the truth of their assertions. In-

stead of taking this course, they tried (but without success) to prevent the news reaching England. Johnston had two superior officers in Australia; and these, when they arrived on the scene, approved his proceedings, but ultimately set Governor Bligh at liberty. The latter, as we have said, was received with open arms in England; and the first act of his successor, Governor Macquarie, was to send home Johnston under arrest. Johnston was tried by court-martial and condemned; but, in spite of the protest of the Regent, was only cashiered.

Governor Macquarie.

Perhaps the most complete condemnation of Bligh's failure is to be found in the success of Macquarie. In many points resembling one another—in temper, vanity, intrepidity, restlessness,—Bligh, whatever his excuses, unquestionably failed in his task of governing the colony, Macquarie, as unquestionably, succeeded. The secret of the difference is probably to be found in the fact that, whereas Bligh's activity was negative, Macquarie's was positive. Bligh could be immensely active in repressing mischiefs; Macquarie was bent upon effecting positive reforms. He saw, and it is his great merit, that if he could put the settlers in the way of material prosperity on honest lines, many of the bad features of the popular character would disappear at once. With this object he set about enterprises of all kinds. Schools and churches were founded, and the Government money was lavishly spent in public buildings. Measures were taken to secure the farms in the river valleys from inundation. Roads were undertaken wherever there appeared to be a chance of opening up new country. Above all, the Governor insisted that when a convict had served his sentence he was on the same social and legal footing as a free immigrant. Grants of lands were liberally made to emancipists, and they were admitted to the learned professions. This policy was severely condemned both at home and abroad; but there can be no doubt that it was, in the circumstances, the one possible

method of laying the foundations of a really great community. To have maintained the most invidious of all class distinctions, founded on a moral superiority in many cases more apparent than real, would have been to condemn the settlement to perpetual infancy. Macquarie seems to have been the first Australian Governor to rise to the possibilities of his position. His predecessors had all regarded themselves as officials deputed to keep order among an unruly body of men and women. Macquarie took a far higher conception of his duty, and believed himself sent to develope the resources of his vast territory, and urge his subjects forward in the path of progress. Dictatorial and overbearing he may have been, but he won the hearts of the people; and at the close of his long term of office, in the year 1821, he returned to England amid the regret of the entire colony.

Discovery of Bathurst Plains.

During his government the colony expanded in many directions, but in none more strikingly than in the exploration which resulted in the discovery of the country to the west of the Blue Mountains. Hitherto the Nepean river, the stream which waters the Camden district, had seemed to be the boundary of possible extension to the west; for beyond it lay a chain of mountains which was deemed impassable. Even the dauntless Bass had pronounced against any further waste of energy in that direction. But soon after Governor Macquarie's arrival a spell of drought, which dried up the pastures round Sydney, brought the colonists face to face with the prospect of ruin for their stock, by this time become very valuable.

At last three explorers, Blaxland, Wentworth, and Lawson, succeeded, in the year 1813, in crossing the range, and reported an almost unlimited extent of fine pasture land beyond. The Governor at once sent surveyors to ascertain the possibility of making a road across the mountains. Their report was favourable, and the work was undertaken with the utmost

resources of the Government. It was accomplished in less than two years, a marvellous feat if the circumstances be taken into account, and the town of Bathurst founded, as the capital of a great pastoral district capable of unlimited expansion.

And expansion speedily followed. We remember the figures at the time of Governor Hunter's departure. When Governor Macquarie left the colony, only twenty-one years later, the population had increased from six thousand to thirty thousand, the stock from ten thousand to upwards of a quarter of a million head. It is evident, therefore, that, fast as the population had increased, the wealth of the country had increased far more rapidly.

The end of Governor Macquarie's term of office marks the conclusion of the colony's infancy. Up to this time, in spite of its comparative prosperity, the settlement had been a severe drain upon the British exchequer. What with costs of transport, assistance to free emigrants, provision against famine, salaries of civil and military officials, expenses of public works, and other items, the colony is reputed to have cost the mother country, in the first thirty-four years of its existence, no less than ten millions sterling. It was money well spent; for, while a similar expenditure in convict prisons at home would have left no assets behind it, the ten millions sunk in Australia were laying the foundations of a great and free country, which in after times would prove a fair field for labour and enterprise. But it was an act of faith, and its cost speaks, perhaps more eloquently than anything else, of the work involved in the early days of government. Australians are sometimes apt to speak as though they and their fathers had done the whole work of building up Australia. But if it be true, and it unquestionably is true in the matter of colonization, that the beginning is the hardest task, the British taxpayer, who, in the early years of Australian history, had plenty of claims on his pocket, is entitled to some of the credit of the achievement.

CHAPTER III.

DEVELOPEMENT OF NEW SOUTH WALES.

THE next Governorship, that of Sir Thomas Brisbane, marks a definite stage in the history of New South Wales. The discovery of the Bathurst Plains had put an end to all doubts of the ultimate ability of the colony to sustain an increasing population; and now, for the first time, the tide of free immigration began to flow. The rapid increase of population in England, which followed the close of the Napoleonic wars, provided a constant succession of aspirants anxious to make their fortunes in Australia. The speedy result of this immigration was a change in the industrial conditions of the colony. Hitherto the Government had felt itself unable to rely upon the settlers to provide entirely for their own maintenance. Notwithstanding the obvious and terrible consequences of a deficient harvest, the traditions of old days were strong, and the recklessness and improvidence of the farmers sometimes jeopardized the very existence of the settlement. Notwithstanding the fertility of the soil, wheat had long to be imported in large quantities from India. And the Government, partly perhaps for the sake of employing the convicts, but equally to protect the community against the consequences of the idleness of the emancipists, used to carry on farming operations on a great scale. Needless to say, these operations were costly and difficult; and the Government

was only too glad to relinquish them when it saw sufficient free settlers engaged in supplying the market. By this change the community at once approached more nearly to the familiar model of ordinary industrial life, and the good example of the new colonists spread to their neighbours, notwithstanding the fact that there was for long a deep social gulf between the two classes of freemen and emancipists.

Sir Thomas Brisbane.

Sir Thomas Brisbane was a humane man and a scholar. Not only did he endeavour, by introducing new industries, such as tobacco and sugar growing, to find profitable employment for all classes, but he pushed forward the exploration of the continent, especially in a northern direction. It was, in fact, during his administration, in the year 1823, that Surveyor Oxley practically re-discovered Queensland; for the previous explorations of Flinders in Moreton Bay seem to have been forgotten. And the Governor rendered himself famous in the world of science by the observatory which he built at Parramatta, and by the solar observations recorded there.

Political developement.

But the great achievement of Governor Brisbane's administration was the introduction of institutions which ultimately served as the basis of self-government in Australia. An exact description of the political evolution of the Australian colonies belongs to another chapter; here it is only necessary to point out that hitherto there had been no free institutions, in the ordinary sense of the term. The Governor had been responsible solely to the Home or Colonial Office in London. So far as the colonists were concerned, his word was law. Not only did he lay down rules for the conduct of the settlers, but he directed the execution of them, and he was himself, in the last resort, the highest local court of appeal in all cases. The only immediate check upon his omnipotence was the presence in the colony of officials who, though bound to obey his lawful orders, could not be

permanently dismissed by him. There lay, of course, always an appeal, by way of representation, to the Home Government; but England was a long way off in those days. And in extreme cases, as Governor Bligh had found, there was the remedy of revolution; but that was a remedy from which moderate reformers naturally shrank. As a consequence, the fate of the colony for the time being depended very much upon the personal character of the Governor; and we have been justified, hitherto, in breaking up its history into sections corresponding with the terms of office enjoyed by its respective rulers. It was long before the Governor ceased to be the most powerful influence in the affairs of the colony; but we are now entering upon a period in which institutions will gradually take the place of men.

Constitution of 1823.

This period begins definitely in the year 1823, with the passing of the first Constitutional Statute which operated in Australia. The statute did not by any means provide a complete set of free institutions, as we understand them, or even as they were understood in England at that time. But when we consider the general conditions of the colony, and the conservative reaction which had come over England after the French Revolution, and which lasted until the Reform Act of 1832, we shall probably admit that the concession of 1823 was a substantial step. By it the former military administration of justice, by a Judge-Advocate and military assessors, was superseded by a Supreme Court on an English model, with a Chief Justice, and the right to a trial by jury in civil cases, if both the parties agreed upon it. But in criminal cases the jury was still to consist of military officers, seven in number, although the prisoner was to be entitled to challenge them on any grounds for which an ordinary juror could be objected to in England. His Majesty in Council was, however, authorized to extend the jury system in any way deemed desirable; and, as a matter of

fact, it was not very long before the jury system was introduced into criminal trials in Australia. Moreover, convicts were no longer to be excluded from giving evidence in Courts of Justice. Other provisions were made by the Act, on the subject of appeals; but these will be more particularly discussed hereafter.

The political innovations made by the statute were also important. They provided for the appointment of a Council with legislative and financial powers, albeit under certain very substantial limitations, which will be alluded to elsewhere. This Council at first consisted entirely of Government officials, and was of course subject to no process of popular election. But, as Lord Bathurst explained in his letter which covered the warrant of appointment, it was intended by the Home Government that the new Council should at least to some degree represent the views of non-official colonists; and this pledge was redeemed in the year 1825 by the nomination of three independent members. Notwithstanding its carefully guarded character, this Council is of great importance in the history of the colony; for it at once formed a nucleus around which the elements of criticism and legal opposition gathered, and, by their action, ultimately produced the materials for self-government. This will appear as we proceed with our story.

Separation of Van Diemen's Land.

The other great political object of the statute was the separation of Tasmania (then known as *Van Diemen's Land*) from the mother colony. This topic belongs more properly to the history of Tasmania; here it is sufficient to say that the Home Government, at the time of the passing of the Act, apparently hesitated between complete and partial separation, and took powers for both. Lord Bathurst ultimately decided in favour of partial separation only; and Van Diemen's Land had to wait many years before becoming completely independent of the Government at Sydney.

In other respects the statute is a notable land-mark in the

history of New South Wales. It gave parliamentary sanction to the power, previously exercised somewhat irregularly by the Governors of the colony, to remit part of their sentences to convicts of good behaviour, and by so doing enabled the Governor to dispose with greater facility of the available population. It also empowered him to create separate settlements for convicts who had been again convicted of felony since their arrival in the colony; and thereby encouraged further colonization, while at the same time it enabled the colonial authorities to weed out specially dangerous characters from the main settlement. Finally, it legalized the practice of indentured service, that is, the entering into articles of service for a period of seven years or under by young men with employers who were willing to pay for their passage to Australia; and provided for the enforcement of such arrangements both against the parties to them and third persons who attempted to break them. Thus the Home Government did its best to induce free emigration to the colony; but the general circumstances of the time, and the inducements soon afterwards held out by the colonies themselves, were more powerful incentives.

The mother colony of Australia now started upon a career of progress and developement which, in spite of stormy interludes, it maintained until the crisis of 1843. The marks of freedom and independence manifested themselves one by one.

A free press. Freedom of the press was formally proclaimed in 1824, and although (as might have been expected) the liberty was at first abused, and caused much trouble during the governorship of Sir Ralph Darling (1825—1831), yet, under the more judicious rule of Sir Richard Bourke (1831—1837), the difficulties were removed, and the problem of reconciling free government with free criticism has ultimately been solved in Australia.

The colony becomes self-supporting. In the year 1827 the colony was rich enough to support its own civil government (though the mother country naturally

continued to pay for the maintenance and guard of the convicts she sent to the colony); and, a few years later, the Government of the colony began even to vote funds to assist the immigration of desirable colonists. This practice was warmly seconded by the Imperial Government, until the attractions of the colony ceased to need any such superfluous addition to its natural attractions.

Assisted immigration.

It is perhaps necessary to say a few words concerning the troubled reign of Sir Ralph Darling, though its most exciting incidents were only of indirect importance in the history of the colony. Governor Darling appears to have been an honourable and upright man; but quite unsuitable for the position which he was called upon to fill. He was annoyed (as other men after him have been) by the personal, and often grossly unfair criticisms of the local press; and, forgetting that such criticisms are better left to answer themselves, he stooped to quarrel with antagonists whom he should have treated with silent contempt. As a natural consequence, his every act was misrepresented, and insult after insult was heaped upon him. He was accused of cruelty in the case of two soldiers whom he detected in the unworthy trick of trying to escape active service by getting themselves convicted of felony. He was charged with gross favouritism in the grants of public lands—a charge which it was almost impossible to rebut at a time when no system or order prevailed in the disposal of such property. He was further accused of harsh conduct in the case of Captain Robison, who was sentenced by a court martial to be dismissed the army. Certain well-meaning but ill-informed persons, anxious to pose as philanthropists, took up the matter in the House of Commons, and it was referred to the consideration of a select committee. The committee cannot possibly be accused of partiality towards the Governor. It contained two of his actual accusers in the House, and a majority of names quite above suspicion. The

Governor Darling.

committee reported an entire acquittal on all the charges proceeded with; several of the accusations were not even supported by evidence. Darling himself was knighted and received further promotion.

Unhappy, however, as the period of Sir Ralph Darling's governorship was, it probably led indirectly to more than one important step in the progress of the colony.

Constitution of 1828.

For instance, it soon became clear to the Home Government that some further extension of constitutional machinery was necessary. The tiny Council of seven, half of them officials, with its limited powers, formed no adequate medium of communication between the Governor and the mass of the settlers. Accordingly, by a statute of the Imperial Parliament passed in the year 1828, the maximum number of the Council was raised to fifteen, and its legislative powers considerably increased. This important change virtually placed the official members of the Council in a minority in questions upon which the Government and the settlers as a whole were divided in opinion; and although the Council could not pass, or even discuss a proposed law without the Governor's consent, its position in legislation was materially improved. In the ordinary administrative work of government the Governor was still practically supreme, except where he chose to fetter his own action by giving his consent to colonial laws which controlled it. But in the administration of justice still further steps towards a free model were taken; and the somewhat sweeping clause, which introduced the whole of existing English law *en bloc*, though it subsequently gave rise to some technical difficulty, was obviously calculated to afford the ordinary colonist substantial protection against the arbitrary action of Government.

Crown Lands.

Again, the charges against Governor Darling on the subject of Crown lands stirred up the Home Government to take that very important subject in hand. It

is well known to lawyers that, by the driest of legal fictions, a fiction moreover which, unlike most legal fictions, never corresponded with fact, the Crown is supposed to be not merely overlord but absolute owner of all land in Great Britain to which no subject can show a specific title. This fiction had once had great practical consequences in England, in the days of turbulence, when the forfeiture of a traitor's land was a convenient punishment and a warning. But the theory had almost died a natural death when it sprang to life again in the most unexpected manner with the acquisition of the great English colonies. For if, as was the case, no subject could show a recognized title to any of the countless acres of America and Australia, at a time when those countries were first opened up by white men, it followed that, according to this relic of feudal theory, these acres belonged to the Crown. It may seem almost incredible that a question of such magnitude should be settled by the revival of a purely technical and antiquarian fiction. Nevertheless the fact is so, and it is perhaps the strongest testimony possible to the law-abidingness and innate conservatism of the Anglo-Saxon race. No statute, no struggle, no heated debate marks the settlement of the question. The Crown quietly assumed the ownership of Australian land; and the assumption stood the strain, not merely of the rush for sheep pastures, but, which is far more wonderful, of the rush for gold. The advanced guard of the exploring colonists might burst into country never before trodden by the foot of white man; but they could claim no acre of it, except through the grant of the Crown.

In fact, the Crown (that is to say the Government which acted in the name of the Crown) treated the unoccupied land of the Australian colonies as a great reserve fund from which to recoup itself the outlay incurred in founding the settlement, as well as a provision for future developements. For a long time land in Australia was practically of no pecuniary value, owing

to the fact that any respectable applicant could always obtain a free grant. The policy upon which the Government started was, briefly, to give a moderate grant (say of three or four hundred acres) to every official or free settler who desired it, and to "assign" to him the services of a limited number of convicts, in return for which he undertook to relieve the Government of the cost of their maintenance. The latter practice was a bad one. Not only were services thus extorted almost worthless; but the system did a great deal to put the honourable relationship of employer and employed on a bad footing throughout Australia. It was not, however, discontinued until the year 1838, on the eve of the abolition of transportation.

At first, then, the grants of land were on a moderate scale, and made with a view to their employment in agriculture, or in the feeding of store cattle. They were generally irrevocable, but were sometimes charged with the payment of a small quit-rent, to commence after a certain period. This was especially the case with the smaller grants made to "expirees" or emancipists; and it was felt that, in such cases, the original title deeds would hardly be such as future generations would be proud of.

While the settlement continued small, this rather indefinite state of things did not cause much difficulty. Land acquired a market price, but it was probably little more than the value of the buildings and other improvements upon it. Still, as the country in the immediate neighbourhood of the capital became taken up, land would gradually acquire a monopoly value, increasing with the growth of population.

Squatting.

And when the discovery of the plains beyond the Blue Mountains had opened up an indefinite vista of expansion, and flocks and herds of great size began to appear, the land question took on a new aspect. The great sheep and cattle breeders wanted, not hundreds of acres under high cultivation, but thousands of acres which

required no labour to render them serviceable. We have seen that Macarthur had secured his grant of 5000 acres at Camden from the Home Government. But those who followed him had no time for such formalities. Hastily collecting as many head of sheep and cattle as they could lay hands on, and taking with them one or two "stock riders," often the most reckless and daring of the assigned convicts, they plunged into a new district, and generally laid claim to some enormous area, which they did not attempt to cultivate, and upon which they built only the minimum of necessary accommodation. They argued, with great force, that the land was No Man's Land, and that they, as first comers, were entitled to occupy it. But it is certain that they did not expect this bold argument to prevail. The truth is that, as they spent nothing in improvements, they were prepared to risk being ejected. At the worst, they might realize fortunes before the Government had made up its mind how to treat them; and they knew that the official mind was tender towards vested interests. These pioneer settlers received the name of "squatters"; a term which is probably of American origin, though it was first used in America in a slightly different sense.

In the year 1824 the Home Government endeavoured to introduce some order into the system of land grants. But the effort is a striking example of the folly of attempting to manage a distant possession from a London office. The Secretary of State directed that the whole territory of New South Wales should be divided into counties, hundreds, and parishes, after the English model, and a complete valuation made throughout the colony, with the object of fixing an average price for each parish. Any individual was to be at liberty to purchase any quantity up to fifteen square miles for money down; smaller lots might be bought for deferred quit-rents. The assignment system was to be continued.

Regulations of 1824.

It is impossible to believe that the statesman who sanctioned these Regulations had the faintest knowledge of the existing conditions of New South Wales. In the first place, to conduct a complete survey and valuation of the vast territory of the colony would have demanded the exclusive services of the surveying staff for several years. In the second, either purely nominal values must have been put upon the outlying parishes, in which case huge areas of land would have been bought for a mere trifle, or a substantial price must have been arbitrarily fixed, which would have rendered it impossible to find a purchaser in the colony. Surely the follies of statesmen have been many; but it may be questioned whether such another egregious document ever emanated from a Government office. Governor Darling, to whom it was addressed, contemptuously disregarded it.

But in truth the Home Government itself hardly treated it seriously; for it immediately violated the spirit of the Regulations by making large free grants of land to the Australian Agricultural Company and the Van Diemen's Land Company. This was a most mischievous step, and it was only the comparative thinness of population in Australia and Tasmania which prevented these grants from becoming the source of serious difficulty. Had the tide of migration to Australia been as rapid as that to America, or had these grants stood in the way of the gold rush in the fifties, there would have been trouble.

The Regulations of 1831.

But, after several minor hesitations and alterations, Lord Ripon proclaimed a definite policy in 1831. He laid it down that from henceforth there should be one uniform method of disposing of Crown lands in Australia, namely by public auction at which the land would go to the highest bidder, a minimum price being fixed by the Crown. Even those persons, such as assisted emigrants and military men, who were entitled to free grants, were to

have the value of their claims estimated in money and to deduct the amount from the sum which they bid at the auction.

This somewhat crude attempt at a settlement of the question did not touch one important side of it, viz. the position of the squatters. It is true that any one might, by the Regulations, select any portion of unappropriated land that he pleased, and have it put up to auction at the minimum of five shillings an acre. And as it was certain that no one would bid more than five shillings an acre for outlying land, the selector might be sure of it at that figure. But the squatter was not prepared to give five shillings an acre, or any other substantial sum for his land. He argued that he ought to have it for nothing; or, if not the land itself, at least the use of it. And, moreover, by a deliberate misreading of the Regulations, Governor Darling declined to allow selection beyond the settled districts, and the squatter was, therefore, left in the position of a mere trespasser.

But it was found impossible to treat him as a trespasser. A colonial statute of the year 1833 had created a body of officials known as "Commissioners of Crown Lands," who were specially instructed to prevent any encroachment or intrusion on Crown lands, especially such encroachment as might lead ultimately to a claim of occupation. But after a few years it proved quite hopeless to attempt to enforce the statute of 1833; and, in fact, to have done so would have been to stamp out an industry of the greatest value to the colony. So Governor Bourke wisely made up his mind to face the inevitable, and sanction a system which he could not prevent. In the year 1836 he divided the outlying territory of the colony into pastoral or squatting districts, and granted temporary grazing licences to applicants upon payment of a small fee. These licences created no definite tenure of the land, but merely excused the holder from the penalties of trespass within a certain district for a

Pastoral districts.

limited period. A colonial statute of the year 1839 legalized this practice, and put it upon a systematic footing by organizing a body of "Border Police," to act under the directions of the Commissioners of Crown Lands in keeping order in the pastoral districts. The squatters themselves, although the Government at first recognized no definite area of holding, arranged with one another the limits of their respective "runs" or "stations"[1], and, ultimately, as might have been expected, claimed a definite interest in their occupations. The pastoral districts themselves are interesting as forming the basis for the later division of the colony into electoral provinces. Up to 1850, however, they constituted a sort of Ishmael's territory, in which the Land Commissioners and the Border Police alone represented law and order.

It is impossible, within the limits of these pages, to follow the intricate history of the land question at length; but one other step taken in this period must be alluded to. This was the appointment by the Imperial Government in 1840 of a Board of "Colonial Land and Emigration Commissioners," to act as advisers to the Colonial Secretary in all matters respecting the disposal of Crown Lands in the Australian Colonies and on the subject of emigration. The Commissioners immediately proceeded to lay down a most important rule, which virtually governed the policy of New South Wales and her daughter colonies until the gold discoveries. This rule was that, while the proceeds of land sales should still continue the exclusive property of the Imperial (as distinct from the Colonial) Government, the sum produced should be regarded as a trust for the benefit of that

The Colonial Land and Emigration Commissioners.

The rule of 1840.

[1] It is not a little singular that two such opposite ideas as motion and fixity should have been used practically as synonyms in Australian history. The "run" obviously looks at the matter from the point of view of the sheep; the "station" is the squatter's residence.

colony or part of a colony which produced it, and should be expended for its benefit—one half in the carrying on of public works, the other in assisting immigration.

The Regulations of 1842.

In pursuance of this principle, a very important new set of Land Regulations drawn up in pursuance of an Imperial statute affecting all the Australasian colonies, was issued in 1842. So far as they relate to the present colony of New South Wales, they do not effect any serious change in the principle of land sales, except by raising the minimum reserve to a pound an acre. But by dividing the old mother colony into three land districts, the Northern (or Moreton Bay) district, the Middle (or Sydney) district, and the Southern (or Port Phillip) district, they foreshadowed unmistakeably the ultimate separation of Victoria and Queensland from the mother-colony, and they seem in fact so to have been understood. They created three separate land funds for the three districts; and thus rendered a future financial separation comparatively easy.

First political representation in Australia.

The year 1842 was also in other ways important in the history of New South Wales, for in it was passed the Imperial statute which first introduced representative institutions into Australia. Again reserving the details of the measure (which is a landmark in the political history of Australia) for a future chapter, we may point out that now for the first time in a scheme of Australian government the legislative body receives that foremost place which Englishmen have long been accustomed to award it. The plan is no longer to give judicial institutions with a minimum of parliamentary government attached; but to create a scheme of representative government with independent executive and judicial authorities.

The nominee element is not excluded by the statute of 1842, but it is reduced to an absolute minority (twelve in a Council of thirty-six). And, what was regarded as even more

important, only half of the twelve are to be holders of Government offices. Though the franchise is fixed on a property basis, the colonial legislature is to have power to alter it. The power to initiate as well as to discuss legislative proposals is conferred upon the Council, and, subject to certain reservations for the salaries of Government officials, and to the very important reservation of the Land Fund, the Council is to have control over the finances of the colony. An elaborate scheme of local government is also provided by the Act, but this was altogether premature, and fell through directly. The final clauses of the statute empower the Queen in Council to separate from the original territory of New South Wales any districts north of the 26th degree of south latitude, and to confer upon them the more elementary system of government which the parent colony is just throwing off. These clauses obviously foreshadow the future independence of Queensland; but they seem to have been restricted in their wording, to soothe the anxiety of those who were opposed to the separation of Tasmania and Victoria.

A few words more must suffice to dispose of the early history of New South Wales. The most marked social feature of the period upon which the colony entered with the introduction of the new constitution was the gradual disappearance of the penal element. The practice of assigning convict servants had been stopped, at any rate to a large extent, in 1838; two years later transportation to New South Wales was itself abolished; and, although a desperate attempt to revive both practices was made in 1849, the feeling of the majority of the colonists was too plain to be mistaken. Except where such help was almost impossible to obtain, e.g. in the remoter squatting districts, the settlers greatly preferred to pay the higher price and secure the greater efficiency of free labour; and the attempt of 1849 was productive of something very

Abolition of assignment and transportation.

like a revolution. The Constitution of 1842 by implication allowed equal political rights to freemen and emancipists; and this policy, combined with the cessation of convict immigration and distribution, did much to break down the old line of social cleavage. The numbers of the free settlers had so grown that they were well able to set an improved social fashion, and were in no danger of being either outvoted or oppressed by their emancipist neighbours.

The depression of 1840—1843.

But this change was at first productive of considerable suffering. The colony still laboured under the disadvantages of the bad commercial system originally necessitated by the peculiar circumstances of its history. It was accustomed to look largely to other countries for the supply of capital, and even, in some cases, of commodities for immediate consumption. Of course, at the time to which we are alluding, there was no native supply of precious metals, and the fact that in its early days the colony had been of necessity dependent upon Europe for a supply of coin, had led to false notions concerning the nature of capital, especially to the belief that, without an actual influx of gold and silver, it was impossible for the colony to exist. The cessation of the heavy subsidy (about £200,000 *per annum*), which the Imperial Government had continued to pay so long as the colony received its convicts, caused a scarcity of bullion, and tied the hands of the Government in the initiation of public works. The colonists did not see that this scarcity was more than compensated for by the fall of the prices of necessaries in their own market, while it, of course, left the value of their produce to the outside world absolutely untouched. In the year 1841 the price of the 2 lb. loaf fell from 7½*d.* to 4½*d.*, and did not exceed 5*d.* in any of the following ten years. The price of beef steadily fell, as did also that of butter, cheese, and almost all other necessaries of life. Wages fell too, but in nothing like the

same proportion, so that the wage-earner was really better off than he had been before, in spite of, or rather because of the free immigration, which brought many employers of labour. Moreover, wages recovered long before prices, which continued to show a downward tendency till the gold rush of 1851. But real harm was caused by the excessive speculation in the newly opened lands which took place, and the bad system of banking which began to prevail. To this period we may perhaps date that practice of putting absurdly inflated values upon land and other securities which has done so much to damage the reputation of Australian finance. Amongst the colonists themselves these sanguine views are readily understood and discounted; but it must be remembered that Australia deals largely with the outside world in securities, and is, in her own view, dependent upon European and American capital for her developement. And when banks and building societies actually operate upon the basis of these fictitious values, and fail in consequence, the effect produced is not encouraging.

We are not compelled, however, to leave the early history of the colony with melancholy reflections. The colonists tided over the crisis of 1843 in one way or another. Some of their expedients were more ingenious, perhaps, than altogether sound. It is said that the assets of the unfortunate Bank of Australia were disposed of by lottery, in spite of the opposition of the Governor. The whole colony seemed bent on the plan, and if the community chose to distribute its losses through the exciting medium of luck, there could be little harm done, so long as the step was in no way sanctioned by Government, and did not become a precedent. Less irregular means were in time gradually adopted, and before the end of Governor Gipps' administration, the colony was so prosperous that the Governor could afford to discourage the enterprising explorers who found indications of gold in the Bathurst district. Sir George Gipps did not wish

1838–1846.

to see the steady industry of the colony disturbed by the exciting pursuit of gold-digging. His attempt may remind us somewhat forcibly of King Canute's alleged adventure with the ocean; but it is clear that the Governor, a popular and kind-hearted man, did not see any pressing need for new occupations.

These views are entirely borne out by the figures which reveal the state of the colony at the close of our period. In the year 1851 the population was found to be nearly 360,000, showing an increase of about 1100 per cent. during the previous thirty years. The live stock had increased during the last nine years 200 per cent., from five to fifteen million head. It is noteworthy, however, that the alienation of Crown lands had received a sudden and severe check by the introduction of the pound an acre minimum in 1842. During the years 1842 to 1850, inclusive, less than 50,000 acres had been disposed of; while in the previous five years, under the small reserve fixed by the Governor, upwards of a million acres had been alienated. No doubt the excessive purchases and speculations of the earlier period, which had been stimulated by the sudden progress of the newly founded settlement at Port Phillip (though the figures quoted do not include Port Phillip sales), produced a severe reaction, which the policy of the Home Government in fixing the high reserve of 20*s.* an acre was said to intensify. During the whole of the period 1842—1850, the Government and the colonists were divided on this important question. The Government took the view that sales at a low price encouraged speculation, spread the population over an area out of all proportion to its wants, and alienated the interests of future generations. The colonists urged that the land belonged to the people of the colony (i.e. the present inhabitants) and that every facility ought to be given them to do what they liked with it. The question is still an open one; but it is to be observed that even the self-governing colonies, in which colonial opinion

Figures for the period.

may be said to be omnipotent, have come to the conclusion, as evidenced by their policy, that there was much wisdom in the views of the Home Government in the old days.

Squatting.

It will, of course, be understood that the amount of the land *sales* in no way indicates the extent of territory under occupation at the close of our period; for the practice of squatting on unsurveyed wild lands had spread enormously since the introduction of the licensing system. Its extent can best be gathered from the figures relative to stock already stated, and from a report sent home by Sir George Gipps so early as 1843, which declared that practically the whole of the vast territory south of the Darling, with the exception of the settled counties, was in the hands of the squatters. The purely nominal character of the return received by Government for the use of this land is shown by the fact that, in the year 1840, the Crown income from 700 stations, some of them comprising hundreds of thousands of acres, only reached £60; in the following year it fell to £20. Even the imposition of a stock tax in the year 1839 hardly altered the absurdity of this state of things, for the stock tax was applicable to the purposes of general revenue, while the Border Police were supposed to be maintained out of the proceeds of the land licences. Manifestly the squatters were getting valuable privileges for nothing, and the Government, in the interests of justice, determined to put an end to the farce. For several years the battle raged hotly between the Governor and the squatters, and at one time threatened to produce a deadlock. In the end, however, a compromise was effected, and, finally, an Imperial statute of the year 1847 authorised the granting of pastoral leases for terms of years varying from one to fourteen, according to the probability that the land would or would not be required for settlement purposes. The squatter was to pay an agistment rent varying with the feeding capacity of his run, and was not to be allowed to use any

part of his land for agricultural purposes, except so much as would be required for his own use. Moreover (and this clause turned out to be very important) at the expiry of his lease he was to have the first right to purchase the land at its unimproved value (never to be taken as less than £1 an acre). The squatters grumbled immensely at the Act, and refused to take up their leases, though in most cases they paid the new rent. But when the gold rush came, and the value of land rose enormously, the squatters demanded their leases as from the date of the Act, and, therewith, their right to purchase at unimproved value. Perhaps it was natural, but it was rather undignified. However, this subject belongs to another chapter.

CHAPTER IV.

THE DAUGHTER COLONIES OF NEW SOUTH WALES.

I. *Tasmania.* (*Van Diemen's Land.*)

It must have been manifestly obvious, even at the time when Governor Phillip's commission was granted, that the vast area included in his jurisdiction could not be more than nominally governed by a single ruler. A territory of a million square miles, rather more than nine times the size of the United Kingdom, could only be administered by a single head so long as settlement was confined to a fraction of the territory. Ignorance of the nature of the land, a desire to leave the Governor's hands free, above all, an anxiety to ward off foreign claims, combined to produce the magnificent terms of Governor Phillip's commission. When it was issued, the general opinion was (as we have seen) that Tasmania formed part of the mainland. Port Phillip and its pasture lands were undreamt of. Even the country behind Port Jackson was unexplored; and the territory which is now the colony of Queensland was only guessed at from casual observations along the coast.

Discoveries of 1798.

The discoveries of Flinders and Bass in the southern straits, and their adventurous voyage round Van Diemen's Land (as it was then called) excited much interest in Sydney; and this interest was

turned into uneasiness when, three years later, a French squadron under Commodore Baudin paid a somewhat lengthy visit to the island. Governor King, of New South Wales, made up his mind to attempt a settlement in Tasmania. He was not only actuated by a wish to anticipate the French. The little sub-colony of Norfolk Island, in which he, as its first Lieutenant-Governor, took considerable interest, was in an unsatisfactory condition, and he cast about for a new home for the settlers. Moreover, he deemed it possible to improve the tone of the settlement at Sydney by removing from it some of the most turbulent characters. Nor was he alone in his views; the Home Government had begun to doubt the prudence of sending so many criminals to one spot, and was anxious to found a new settlement.

Collins' expedition to Port Phillip.

The spot first chosen was Port Phillip, the nidus of the present colony of Victoria. The explorations of Bass and Flinders, the attractions of a settlement which had been formed at Twofold Bay, and the dread of French attempts on the southern coast of Australia, combined to fix the resolution of the Government. The *Ocean*, with 400 prisoners, convoyed by the warship *Calcutta*, sailed from England under the command of Captain Collins, the former advocate-general of New South Wales, and reached Port Phillip in 1803. A very short experience, however, led Collins to the conclusion that Port Phillip was an unsuitable site for a settlement, and he made strong representations on the subject to his official chief at Sydney. In the meantime, Lieutenant Bowen, in the *Lady Nelson*, had sailed for the southern coast of Van Diemen's Land, and landed his party at a place called Risdon, on the Derwent River. Pushed by his difficulties, Collins sent a subordinate in Bowen's ship, which had by that time returned to his relief, to explore the northern coast of Tasmania, within a few hours' sail of the anchorage at Port Phillip. He explored the entrance

to the river Tamar, but his report, though not altogether unfavourable, led Collins to prefer the southern coast, and in February 1804 he joined Lieutenant Bowen at Risdon. Even Risdon did not, however, satisfy him, and, dropping further down the Derwent, he finally anchored at a place known as Sullivan's Cove, which he directed to be laid out as a town bearing the name of Lord Hobart, the then Secretary of State for the colonies. Hobart Town, or, as it is now called, the City of Hobart, has to this day remained the capital of Tasmania.

Founding of Hobart.

But it was deemed inadvisable to leave the northern shore entirely open to the approaches of possible rivals, and so, in the same year (1804) a small expedition was despatched from Sydney under Colonel Paterson, an officer distinguished alike for his humanity and his intelligence, with a view of further exploring the Tamar. He founded a small settlement, known as York Town, which still survives; but in the year 1806 he removed his quarters to the site of the present city of Launceston, at the junction of the North and South Esk, which here unite to form the Tamar river. The Tamar is not such a splendid stream as the Derwent, it long bore an undeserved reputation for danger, and Launceston, being relatively much further from its port (Dalrymple) than Hobart from the mouth of the Derwent, did not at first obtain the commercial advantages which its nearness to the mainland would otherwise have procured for it. From Launceston and Hobart, the two early settlements, the colonization of Tasmania has ultimately been effected. Until the year 1826, they were the respective capitals of the two counties (Cornwall and Buckinghamshire) into which the whole island was divided. In the year 1807 Lieutenant Laycock and his party started to cross by land from Launceston to Hobart, and found, to their astonishment, that they could travel the whole way through clear country. Imme-

Founding of Launceston.

diately afterwards, Collins commenced the great trunk road from north to south, which is still the admiration of travellers for its smoothness and easiness; and in the year 1812 Launceston was definitely subjected to the Government at Hobart, the whole island thus passing under one administration.

Arrival of the Norfolk Island settlers.

The early years of the little settlement at Hobart were not without their excitements. One of the first acts of the Home Government in connection with the new colony was to order the removal of the settlers from Norfolk Island to the shores of the Derwent. The order was obeyed with reluctance, for many of the settlers had become attached to their island home, and did not care to face again the hardships of a change. Norfolk Island was, however, as we have seen, wanted for the Pitcairners, and the settlers had to go. They were given the choice between New South Wales and Tasmania, but their recollections of Sydney were not encouraging, and most of them preferred the uncertainties of the new colony. They were treated with every consideration by the authorities, provided with grants of land and loans of stock, and fed from the Government stores for six months. They were distributed over different parts of the colony, many of them being settled in a lovely spot on the banks of the Upper Derwent, called after them New Norfolk, which, though later receiving the official name of Elizabeth Town (after Mrs Macquarie), has retained its original title. It is now a prosperous and beautiful district, perhaps more resembling an English country side than any other place in Australia; but it owes little to its original settlers. The migration was not a success. The weaker immigrants succumbed to the temptations of Hobart, and drifted back into crime; some of the better ones managed to return to their beloved island. Only a few prospered in the new colony. One of the most valuable acquisitions of the settlement at Hobart

came, however, through the migration. Joseph Holt, an Irish political prisoner, a man of great ability, was befriended by Collins, and did much to start the agriculture of Tasmania on a sound basis, by introducing improved methods of farming among private settlers, and thus rendering Government farms unnecessary. The Government idea of cultivation was to provide as much labour for convicts as possible, of a kind that would not facilitate their chances of escape. Gangs of men worked together, encumbered with chains, and using only a clumsy hoe for tool. Holt spent some years in Australia after the expiration of his sentence; and, though most of them were passed near Sydney, he did a good deal for Tasmania. Ultimately he amassed a small fortune, with which he set sail for England, dying, after many adventures, in his native land.

Early troubles of the colony.

Soon after the arrival of the Norfolk Island settlers, the new colony was threatened with the horrors of famine. It was, of course, at first mainly dependent on other countries, principally on New South Wales, for the necessaries of life. In the year 1806 a disastrous inundation overtook the valley of the Hawkesbury, the chief corn-growing district of the mother-colony. The prices of maize and wheat are said to have risen to £5 and £6 a bushel. There was little to spare for the settlement at Hobart. A vessel despatched to India for wheat was wrecked; starvation stared the colony in the face. Luckily it was found that kangaroo meat could be procured in fair quantities, and for several years the settlers subsisted mainly on this food, while the free men, who did not wear Government uniform, were content to clothe themselves in skins, of which, fortunately, there was no scarcity. This state of things produced evils which survived the famine period, though the latter lasted until 1810. Many of the convicts, especially the assigned servants, were employed in hunting the kangaroo, an occupation which they,

quite naturally, preferred to the monotony of field work. Their employers were tempted to use them in this way, for the Government paid eighteen pence a pound for kangaroo meat; and fortunes were made by those who were lucky enough to have skilful servants. But the bonds of discipline were inevitably relaxed by such occupations, and many convicts seized the opportunity to escape. Of these a large proportion perished miserably in the trackless bush, or, after a short experience of freedom, crawled back again to beg forgiveness. But a few of the bolder spirits succeeded in maintaining life by hunting, or by plundering lonely homesteads; and their success invited imitators. The Australian bushranger is hardly an attractive person. He combines (or combined, for he is now practically extinct) the vices of civilization with a choice assortment of savage villanies, though occasionally he makes a display of rather tawdry chivalry. From 1810 to 1830 the outbreak raged fiercely; and almost every descendant of old Tasmanian settlers has family legends to tell, of midnight attacks, or of lonely farms surprised when all the men were away. Many settlers, men and women, became as brave in defence as the rangers were daring in attack; and grants of land as rewards for clever captures were not at all uncommon. These lands often perpetuate by their names the services for which they were granted, and thus weave a thread of romance into the somewhat monotonous web of colonial history. The Government remained powerless till the outrages had provoked general resentment among the settlers, after which the more violent outlaws were gradually captured; but the spirit survived in the practice of sheep and cattle stealing by convict drovers, which prevailed at one time to an enormous extent. A revival of the older style occurred in New South Wales and Victoria after the gold rush; and was not finally stamped out until the capture of the notorious Kelly gang in the year 1880.

Bushranging.

Bligh's visit.

The early years of the colony were also enlivened by the visit of Governor Bligh, who, as has been related, after a year's imprisonment at Sydney, was permitted to leave New South Wales on his promise not to land in Australia on his way home. This promise he did not consider binding, and in the year 1809 he appeared at Hobart. The Lieutenant-Governor was in a somewhat difficult position; for Bligh was by law his superior officer, though in fact he had been deposed by the revolution at Sydney. Ultimately Collins forbade any settler to hold communication with the deposed commander; but one or two were shrewder than the Lieutenant-Governor in their expectations of the attitude which the Home Government would take up, and their shrewdness received its reward. At the end of the year Governor Macquarie reached Sydney; and Bligh, when he returned from Tasmania for a short time to the scene of his deposition, was treated with all respect.

Death of Collins.

Three months later, Lieutenant-Governor Collins died. Though not a great ruler, he was popular for his private qualities. His task was one of no ordinary difficulty—to lay the foundations of a prosperous community with a very doubtful collection of materials. The famine which lasted during half his term of office severely handicapped his efforts, and he cannot be accused of responsibility for it, nor of any lack of ordinary prudence.

Visit of Macquarie.

For some time after Collins' death, the settlement was administered by temporary officials, who did not venture upon any definite policy. During the interregnum, however, the colony received a visit from the new Governor-in-chief, Macquarie, under whose supervision the Lieutenant-Governor of Tasmania long continued to act. Governor Macquarie landed in November 1811, and his visit is important, for it practically determined the

immediate future of the colony. He was full of zeal and energy. He laid out roads, planned public buildings, projected townships, named rivers and mountains, and infused into the community some ambition for material progress, as well as some kind of social order. The first Lieutenant-Governor of Tasmania had been little given to outward display; but Macquarie exacted a good deal of ceremony, and his bent, in the circumstances of the time, was decidedly influential for good.

Davey.

At last, at the beginning of the year 1813, a new Lieutenant-Governor arrived from England, in the person of Lieutenant-Colonel Davey, of the Royal Marines. Davey seems to have treated his office more or less as a joke. He was totally without ceremony, and would drink and jest with any one. He had hoped to escape the restraints of matrimony by accepting the post; but his wife was too alert, and managed to reach his ship just as it was starting. His activity was mainly confined to the repression of bushranging; but even here his methods were such as to excite surprise. Annoyed by the repeated successes of the outlaws, he put the whole island under martial law, and forbade any one, free or bond, to leave his house after nightfall without permission, enforcing his prohibition by flogging. This step, equally absurd and useless, was severely censured by the Governor at Sydney.

What little progress was made in Davey's time was due to private enterprise. Regular houses of business were established. In the year 1815 the colony began to export wheat to Sydney, in the following year it also sent salt meat. By the close of 1820 the value of exports in these articles reached £33,000. Some exploration of the western coast was undertaken, and Macquarie Harbour and Port Davey discovered. The whale fishery was developed. Churches began to appear. A newspaper was successfully established in 1816. When Colonel

Davey was displaced, in 1817, the population of the colony was just over three thousand, and about the same number of acres are returned as being in cultivation. Sheep-breeding and cattle-rearing were yet to come.

Governor Sorell.

Colonel Davey was succeeded as Lieutenant-Governor by William Sorell, who at once proved his capacity by substantially checking the progress of bush-ranging. Not less important to the colony was the arrival of free immigrants, who now began to come in large numbers. To tempt them to leave their native country, the Tasmanian Government offered free grants of land, rations for six months, the loan of stock and seed, and, above all, a fixed price for all wheat and beef which they could produce. Sorell explored new regions for the convenience of the immigrants, amongst others the country about the lake which still bears his name. Encouraged by these efforts, and by the advocacy of writers in the English press, immigrants arrived in large numbers, so many as six hundred in one year. By the end of 1821 the population had risen to 7,400.

Material Progress.

The rate of material progress was, naturally, much more rapid after the arrival of the free settlers than it had been before. Though many sank discouraged before the difficulties of colonization, others were sensible enough to see their opportunity, and soon attained comfort, if not wealth. In the year 1821 the number of acres in cultivation was returned at upwards of fourteen thousand. In 1819 the colony began to export wool on a small scale, but the experiment was at first unsuccessful. In 1820, however, Colonel Paterson induced Macarthur, of Sydney, to ship him a selection from his famous flocks, and the naturalization was successfully accomplished. In the year 1821 the number of sheep in the island was returned at upwards of 180,000. In the following year 794 bales of wool were exported, and although for some years more the statistics do not survive, the wool

industry clearly became the backbone of the colony. It spread the fame of Tasmanian pastures in the old world, brought strange ships to her ports, now no longer (except in a few cases) closed to commerce, and gradually substituted steady enterprise for speculation in rum. When Governor Macquarie paid his farewell visit to the island, in the year 1821, he was justifiably astonished at the change which had taken place since his former appearance. Then there was a colony to make; now it was made. Lieutenant-Governor Sorell retired in 1823, to the general regret of the inhabitants, who petitioned the Home Government against his removal.

He was succeeded by a man whose long period of office is a vital epoch in the history of the colony. The mere appointment of such a distinguished officer as Colonel Arthur, who had already earned the marked confidence of the Home Government as administrator of British Honduras, was sufficient to show that the Secretary of State intended to raise the position of Tasmania in the colonial world, and to treat her as a possession of importance. And, although Arthur's government provoked great opposition and bitter criticism in the colony, his subsequent brilliant career (unaided by interest) should make us pause before accepting the popular view. In truth there is a very simple explanation of the apparent difficulty, that a Governor of high character and first-rate ability, devoted to what he deemed to be the interests of the colony, should have been continually at feud with his subjects. The fact is that they were opposed to him on a fundamental question of policy.

Governor Arthur.

The great increase of free settlers caused by the immigration under Governor Sorell, uniting with the indignation provoked by the outrages of the bushrangers, led to the first manifestations of hostility to the convict system. The colony of Tasmania, of course, felt the evils of that system to the full; for it was the receptacle of the doubly convicted. In spite,

therefore, of the scarcity of labour which the abolition of transportation would entail, even in spite of the failure of the system of pauper emigration which was tried in the thirties, the free settlers gradually drew together into a compact opposition to the convict system. In the year 1835 the first formal petition against it was sent to the Home Government, but the feeling had been growing for several years.

Arthur, on the other hand, was pledged to the convict system. He took the view of Macquarie, that the Australian colonies were founded for the ultimate regeneration of criminals and for the benefit of their descendants, and, while he did not share Macquarie's optimistic hopes regarding the effects of mild treatment, he never lost sight of the great object of reclamation. Accordingly he looked upon the free immigrants rather as a means to an end, than as the desirable settlers for whose benefit alone the island was to be administered.

Macquarie Harbour.

The settlement at Macquarie Harbour, on the west coast, had been established in the year 1821, shortly after the exploration, with a view to provide a secure prison for those incorrigible offenders who could be trusted neither as assigned servants nor as labourers in the Government gangs. The stories of this place, as well as of its still more notorious successor, Port Arthur, are horrible. No doubt many of them are exaggerated; but the testimony of independent witnesses is sufficient to show that everything depended on the character of the commandant, and that, if he were cruel or indifferent, the wretched prisoners were in a hopeless position. It was, in fact, intended that the place should serve as a deterrent. It was presumed to be absolutely inaccessible by land, and the sea voyage was dangerous and wearisome. From the moment of their landing, the prisoners were kept to the most exhausting labour, while their food was reduced to the lowest amount consistent with life. There was no pretence of comfort in the huts—

the men were not sent there to be comfortable—and the possession of such minor treasures as a fish hook or an inch of tobacco was a penal offence. It was, in fact, an attempt to deprive human beings of the advantages of savagery and civilization alike. Many of the prisoners, reduced to despair, deliberately threw away their lives; a few escaped, to perish in the trackless forests.

The occurrence of an outbreak at Macquarie Harbour in 1824 drew the new Governor's attention to its dangers. After suppressing the revolt with severity, Arthur came to the conclusion that the attempt to dehumanize the wretched prisoners was both foolish and cruel, and he gave orders for the introduction of new pursuits, including the cultivation of the soil. Moreover, he induced a Wesleyan missionary, Mr Schofield, to the latter's immortal honour, to enter upon the forbidding task of ministering to the wretched community; and the result of his labours entirely justified the Governor's hopes. When Messrs Backhouse and Walker, of the Society of Friends, visited the settlement during their missionary tour in the colonies, a few years later, they found much indeed to condemn, but Macquarie Harbour was no longer simply a place of despair.

In the year 1832, the growth of free settlement in the west of Tasmania rendered it necessary to abandon Macquarie Harbour as a penal station. A substitute was found in Port Arthur, a harbour on a promontory of the south-eastern coast, whose natural position appeared to mark it out as an ideal place for an isolated prison. Tasman Peninsula, on which Port Arthur is situated, is united only by a narrow neck of land with Forrestier's Peninsula, which again is joined to the mainland only by a second narrow ridge; so that any prisoner who succeeded in passing the first neck would find himself again hemmed in on a small tract of land almost entirely surrounded by a stormy sea. But very few did pass

Port Arthur.

the first barrier; for it was guarded night and day by fierce dogs, and lamps were kept constantly burning. At Port Arthur the system of punishment was reduced to an exact science. Severe manual labour was demanded of the prisoner whose chief characteristic was brutal strength; the convict who had fallen through abuse of mental powers was put to lighter work, but deprived of every opportunity of exercising his abused faculties. The rule was avowedly one of terror, but it was, on the whole, steady and just; and the officials were often of a class superior to those who ruled the labour gangs elsewhere. There were a church and schools; and the celebrated establishment at Point Puer was an attempt, not wholly unsuccessful, to reform juvenile convicts whose characters had not become too hardened for repentance.

The Aborigines.

Governor Arthur's period of office was also remarkable for an open war against the aborigines. The history of the Tasmanian aboriginal is a sad one; in many respects superior to his brother on the mainland, he was still less able to harmonize with the advance of European settlement. The very fact that he the more readily made acquaintances among the white men proved to be his ruin; for he the more readily acquired the white man's vices, and, having but a comparatively limited area to range over, he could not withdraw himself so easily from contact. The early relationships of the colonists and the aborigines exhibit the usual unhappy features of cruelty, revenge, treachery, and dissoluteness. When they were kindly treated, the savages were friendly; but they naturally failed to distinguish between one white man and another, and when a tribe had been cruelly used by a party of settlers, it took the first opportunity of revenging itself. The colonists would, perhaps also naturally, attribute the last attack to spontaneous treachery; and thus a determined feeling of antagonism grew up between the races.

This feeling culminated in the year 1830, when the official list of outrages shows that scarcely a week passed without loss of life amongst the Europeans. The reprisals or provocations suffered by the blacks are not given, but are admitted by candid historians to have been considerable. The Governor at first endeavoured to attract the savages into his power by promises of good treatment, and then to settle them peaceably on a reserve which should not be visited by white men. As might have been expected, the results of the policy were small. Those who were induced to come in either resented the restraint upon their liberty and escaped, or pined away in captivity and had to be released to save their lives.

Towards the end of the year 1830, a bolder policy was attempted. The Governor called upon all the active inhabitants of the colony to assist him in drawing a complete cordon across the east country, and thus forcibly to sweep the district, driving the blacks into Tasman's peninsula, where they might easily be confined (much as the convicts were two years later). The whole island at first responded with enthusiasm, and the colony became one vast military camp. But the movement was too difficult to be executed by inexperienced hands. To sweep an indefinite tract of country, much of it unexplored and covered with dense forests, and to keep a line several hundred miles in length so exactly that naked savages, possessing all the advantages of woodcraft, should not be able to break through, was beyond Arthur's powers. After a campaign of two months, the Black War ended in ignominious failure, attributed by some to the treachery of escaped convicts, by others to specific mistakes, but really due to the hopelessness of the task. Only two of the aborigines were captured, after an expenditure of £30,000. Oddly enough, the one good effect of the campaign appears to have been to raise the tone of the convicts who had been allowed to take part in it. For

The Black War.

the first time they seem to have felt themselves identified with the safety of the community by which they were surrounded.

Within three or four years the intelligent efforts of a single man, aided at first by the scantiest resources, safely accomplished what the campaign of 1830 had failed to secure.

Robinson's plan.

Mr Robinson was already in the service of the Government at a very small salary, as superintendent of a small aboriginal settlement on one of the Bruni islands. He offered to persuade the aborigines of the mainland to consent to voluntary expatriation to one of the numerous islands of the coast. He was looked upon as a visionary; but it is to Arthur's credit that he was not obstructed. Taking with him two or three of the aborigines from the Bruni islands, he boldly penetrated into any part of the country in which he believed the blacks to be numerous. The presence of his companions attracted the savages, many of whom hoped to find lost relatives amongst them. When the strangers appeared, Robinson, who had mastered the Tasmanian dialects, boldly approached them, and endeavoured to persuade them to accompany him. The blacks were probably not unfamiliar with the presence of stray white men who had escaped from the rigours of the law, and made little objection to his approach. Strange to say, he was successful in his attempts, though, towards the end of his mission, he had sometimes to use force to effect a capture, without, of course, inflicting bodily injury. He encountered many dangers, but the result of his labours was that by the year 1835 about 200 aborigines had been captured, and these, or rather the survivors, for many died soon after capture, were established on Flinders' Island, at the eastern entrance to Bass' Strait. Although it is pretty certain that the captives did not include the whole of the aborigines at large, the effect of the removal was practically to do away with the dangers to which the

colony had been exposed. The success of the achievement, so far as regards the aborigines themselves, was not so marked. The little community on Flinders' Island dwindled rapidly; and, on the founding of Port Phillip, Robinson was allowed to remove many of them to the new colony—with what object is not quite clear. Here many perished from violence and vice. The remainder were ultimately allowed to return to the colony, and were settled about Oyster Bay, the scene of their former lives. But it was too late to save them, and they rapidly disappeared. The race is now totally extinct.

Van Diemen's Land Company.

It was during Arthur's term of office, too, that the operations of the Van Diemen's Land Company commenced. The company had obtained in England a grant of 250,000 acres, upon condition of selecting them in one block on the north-west coast. It was to pay a small quit rent of £468 a year; but this might be redeemed at twenty years' purchase, or reduced by the employment of convict labour. When the company's agent arrived, there was considerable friction about the choice of land; for the Governor did not relish the prospect of a great capitalist association, whose directors might rival the influence of the Government. Ultimately, the company obtained grants amounting to considerably over 300,000 acres, but in different parts of the north. It set to work vigorously, and, no doubt, greatly forwarded the developement of the colony by the settlers whom it introduced, and the flocks which it imported. But the state of the labour market rendered any prospect of political influence visionary. The company's servants, tempted by the superior attractions of independent settlement or of life in the towns, left it soon after landing; and it was some time before its operations became profitable. Other large grants were made to the Van Diemen's Land Establishment, in the Norfolk Plains District, but the history of the great land companies of Australia shows that

they have entirely failed to compete with individual enterprise in the work of colonization.

Governor Arthur retired from office in 1836. His reign had not been free from friction, mainly for the reason before stated. He had trouble with the Press, much as his contemporary, Sir Ralph Darling, had in New South Wales. He was accused of nepotism and the use of unworthy agents—the fact being that a close system of devoted officials was essential to the success of his schemes. But it is clear that, under his rule, the colony had made substantial progress. It had ceased to be dependent on New South Wales, its constitution had been enlarged, banks had been founded, the press, in spite of difficulties, had increased in numbers and influence, bushranging had been put down, the aboriginal question settled. When Arthur arrived in the colony, the population was just over 10,000; when he left it, this number had been quadrupled. The traffic at the ports had trebled itself, the exports had increased from £25,000 to upwards of half a million sterling, though the cost of government was less than three times what it had been when he arrived. The amount of land in cultivation had been quadrupled; the number of sheep had risen to nearly a million head. There were twenty-nine schools in the colony, and eighteen places of worship. Above all, colonists from Tasmania had just founded the new settlement of Port Phillip, whose rising fortunes were in the future to prove of such importance to the neighbouring island.

Sir John Franklin.

To Colonel Arthur succeeded a man whose name is a household word amongst Englishmen and Australians alike. Sir John Franklin, the hero of the north-west passage, the future commander of the ill-fated *Erebus* and *Terror*, was received with the warmest welcome in the island. His talents were rather scientific than administrative, and he seems never to have thoroughly grasped the complicated conditions of Tasmanian society. Hence his

administration was not altogether a success, although his personal popularity was indisputable. He became unfortunately involved in the difficult question of ecclesiastical rivalries, and, though an eminently religious man, was inevitably subjected to criticism and reproach. The later years of his government were embarrassed by the severe period of commercial depression which affected all the Australian colonies, but none more than Tasmania. Finally, he became involved in a quarrel with the Tasmanian Colonial Secretary, and, though he was maintained in the exercise of his authority by the Home Government, he retired from office under circumstances which left it open to his adversaries to say that he was practically dismissed.

But, whatever his reputation as an administrator, Franklin conferred on the colony lasting distinction as the scene of scientific research. He encouraged every visitor who came with the object of extending knowledge. Sir Joseph Hooker, in the year 1840, obtained, by personal investigation, the materials for his great work, *The Flora of Tasmania*. The ambitious explorer and naturalist Strzelecki received in Tasmania the warmest help and encouragement. Charles Darwin, in the *Beagle*, spent many months in the investigation of the coasts and rivers of the colony. Jukes, the geologist, and Richardson, the naturalist, also made this period famous by their researches. Franklin himself founded what is now the Royal Society of Tasmania, then known as the Tasmanian Society, and its earliest meetings were held at Government House. Moreover, he entered into correspondence with the famous Dr Arnold of Rugby, with a view to the establishment of elementary education on a sound basis, and a provision for higher education. As a result, one of Dr Arnold's nephews was appointed Inspector of Schools in the colony, and one of his favourite pupils head master of the first higher grade school. The period of Sir John Franklin's government is the golden age of learning in Tasmania.

Sir Eardley Wilmot.

The short and troubled reign of his successor, Sir Eardley Wilmot, contains little of permanent interest, but it is marked by the revival, this time destined to be successful, of the feeling against transportation. The policy of the Home Government had been vacillating. More than once the system had been threatened with abolition; but in the early forties it was suddenly developed to an alarming extent under the auspices of Lord Stanley. The discontinuance of transportation to New South Wales rendered the pressure on Tasmania all the greater, and the removal of convicts from Norfolk Island to Port Arthur excited genuine alarm. The Governor and the Legislative Council came to an open rupture, and, though the Home Government refused at the time to discontinue the practice of transportation, it endeavoured to pacify the opposition by a large annual grant towards the maintenance of the convict establishment, which had been thrown on the colonial treasury in 1836.

Before the difficulties occasioned by this struggle could be removed, Sir Eardley Wilmot was deprived of office by Mr Gladstone. It is generally understood that accusations of private immorality had been made against him, and that these were informally intimated to him as the real reason for his dismissal. The Governor at once denied the accusations, and requested a public investigation. His protest was backed up by many who had been his active opponents in political matters in the colony. But no investigation was granted, and it is the general view that the Governor was sacrificed for having acquiesced in Lord Stanley's unpopular views on the convict system. Believing himself bound to carry out the Minister's policy, even against his own private beliefs, he had ceased to remonstrate upon the obvious mistakes of the Administration, thereby provoking intense opposition in the colony at the same time that he encouraged the Home Govern-

ment to persist in its plans. After his retirement it was found that the colony was taxed beyond all reason for the maintenance of convicts whose labour had ceased to be of any public value; and, after three more years of strenuous agitation, which perhaps did more than anything else to weld the community into a compact whole, the obnoxious system of transportation, having been already discontinued in nearly all the other colonies, was finally abolished for Van Diemen's Land, which received thereupon the new name of Tasmania. This event took place in the year 1853, in the governorship of Sir William Denison, Sir Eardley Wilmot's successor.

CHAPTER V.

THE DAUGHTER COLONIES OF NEW SOUTH WALES (*Continued*).

2. *Victoria.* (*Port Phillip.*)

THE colony of Victoria might, with some justice, be spoken of as a grand-daughter, rather than as a daughter, of New South Wales. For, as we shall see, there can be little doubt that the final impulse which led to its formation came from Tasmania, more than from the older colony; and there was at one time even a proposal that it should be governed from Hobart. But, ultimately, the infant settlement was placed under the tutelage of New South Wales.

We have already seen that the expedition which founded Tasmania was originally destined for Port Phillip. The explorations of Flinders and Bass, and the knowledge that a scanty population of whalers had for some years maintained themselves on the islands and bays of the Strait, drew public attention to the southern coast of Australia at the close of the eighteenth century. The expedition of 1803 was the result; and for a few months a detachment of convicts under the command of Lieutenant-Colonel Collins inhabited the shores of Port Phillip Bay. But, as we have also seen, after correspondence both with London and Sydney, Colonel Collins broke up the camp (for it was

Collins in 1803.

nothing more), and sailed for the Derwent. The name of Sullivan Bay, at the head of which the Port Phillip camp was pitched, survives in the Sullivan Cove of Hobart, and makes one link between the two colonies.

For twenty years more, Port Phillip was undisturbed by attempts at settlement. But in 1824 Mr Hamilton Hume, an enterprising native of Parramatta, accompanied by Captain Hovell, made an overland journey from Sydney to the south coast, and finally reached the shores of Port Phillip at Corio Bay, an inlet on the western curve, near to which stands the present town of Geelong. There was considerable difference of opinion between the travellers as to the exact site of their discovery, but both agreed on the advantages of the place from the point of view of settlement. Moreover there were (as usual) rumours of French expeditions.

Hume's and Hovell's journey.

Accordingly, Sir Ralph Darling, the then Governor of New South Wales, resolved to make a second attempt at a settlement, partly with a view to relieve the pressure on Sydney, partly to ward off the expected visits of the French. In the year 1825, a party of convicts under Captain Wright was despatched to Port Phillip, but effected a landing instead on Phillip Island, at the entrance of Westernport, a bay a few miles east of Port Phillip. Here the party established a temporary settlement, known as Fort Dumaresq; but, tempted by the appearance of the mainland on the eastern shore of Westernport, they speedily removed thither. At first the prospects seemed excellent, and the commandant wrote in high spirits. But the scarcity of fresh water soon proved a serious drawback, and, in spite of the protest of Hovell, who believed that Westernport was the fertile spot which he had reached on his former expedition, the Government at Sydney decided to abandon the settlement, and its decision was approved by the Colonial Office. At the beginning of the year

Westernport.

1828, the settlers were fetched back to Sydney, the live stock of the settlement being transferred to the little colony at Port Dalrymple, in Tasmania, where it was cordially welcomed.

Portland Bay.

The expedition which is usually, though not, perhaps, quite justly, considered as the founding of Victoria, was a purely individual speculation, conducted by the Messrs Henty, in the year 1834. As has been before pointed out, the Strait had been for years familiar to whalers as a profitable hunting ground, and some of the men engaged in the industry, instead of returning to civilization between the seasons, built themselves huts on some island or promontory, where they lived in a state of semi-savagery. Several of these huts had been found by the settlers at Westernport, one or two of them surrounded by gardens and other evidences of permanent occupation. But, in the main, the whalers were mere outlaws, who would never have developed into a settled community.

The Henty family was of an entirely different stamp, being of good Kentish blood and substantial property. The father and his seven sons had been seized with the true emigrant spirit, the desire for broad lands and free air. They had sold their English property and joined the ill-fated expedition to the Swan River (Western Australia) in 1829. Having lost the bulk of their fortune in the disastrous early years of Western Australia, they migrated to Tasmania, hoping to obtain a free grant of land in the neighbourhood of Launceston. They were colonists of the most desirable type, having skill and perseverance, as well as honourable traditions.

But, on reaching Launceston, they found that the free grants of land had been put an end to by the Regulations of 1831, and, moreover, that the colony of Tasmania was already too crowded to permit of operations on the scale they hoped for. Accordingly, they at once turned their attention elsewhere, and, in the year 1834, started a whaling establishment at Portland Bay, which they worked in connection with sheep farming and agri-

culture. The settlement was at first totally unauthorized either by the Colonial or Home Government, and when Mr Henty tried to obtain a legal guarantee of possession, he was sternly refused. As a matter of fact, outlying settlements such as his caused the authorities considerable trouble. To extend to them the apparatus of government would entail an expense quite out of proportion to the immediate advantage. To leave them absolutely alone would be to incur odium and, possibly, to give the French an excuse for denying the existence of a British title. However, after some delay, the Secretary of State, at the beginning of the year 1835, gave an informal permission to the settlement to continue, with a vague promise of compensation for disturbance should the territory ever be incorporated in a settled colony. The promise came in for redemption with unpleasant promptitude, and, ultimately, in the year 1846, the Messrs Henty received a grant of land, in or near the town of Portland, then worth about £2,000, now, of course, of considerably greater value.

The reason why the Henty settlement, though ultimately recognized, and though unquestionably within the area of the present colony of Victoria, cannot be considered as the true founding of the colony, is that it did not spread, but was itself absorbed in another settlement, which commenced in the following year, and was formally adopted by Government as the nucleus of a colony.

Port Phillip Association.

This was the settlement of a number of Tasmanians, who bound themselves together as the Port Phillip Association. Their leader was John Batman, like Hamilton Hume a native of Parramatta, near Sydney, and, like him, long a believer in the existence of fine land on the south coast of New South Wales. In the year 1821 he left Sydney and settled at Kingston, in Tasmania, where he speedily became popular for his pleasant manners and love of adventure. In 1827 he had applied for leave to

join the settlement at Westernport, and had been refused. After the successful establishment of the Hentys at Portland Bay, he could no longer be held back, and, in May of the year 1835, he landed at Port Phillip as the leader of an exploring expedition. There was at this time no regular partnership between the adventurers who had combined to form the Port Phillip Association; but a regular deed of partnership was executed after Batman's return to Tasmania. Batman's great idea was to open a friendly intercourse with the aborigines, and to get from them a grant of land, on the model of William Penn's treaty with the Indians. In this scheme he was abundantly successful, for, on the 6th June, 1835, he obtained from a few savages, who stated themselves to be chiefs of the country, grants of two tracts of land, one the present site of Melbourne, the other near Geelong, amounting by his own estimation to about 600,000 acres of the finest pastoral land in Australia. The price paid for this magnificent purchase consisted of a few knives, looking-glasses, and blankets, and the promise of a yearly rent of similar articles, estimated in value at about £200. The deeds (which still survive) are drawn up in English legal form, and the "marks" of the chiefs are affixed. Had they been entered into by English subjects, they would undoubtedly have effected their object, that is, if the granting parties had really been owners of the lands. But that is a very large reservation; for there is no evidence to show that the aborigines understood the meaning either of land ownership or writing. They wanted the trinkets, and naturally did anything they were asked in order to secure them. They would probably have sold the same lands over again the next day, had the opportunity presented itself; and this without a thought of fraud. Nevertheless, Batman proceeded with all solemnity to make copies of his deeds, two of which he handed over to the aborigines, who must have been additionally pleased with this mark of confidence and generosity.

Batman made his original settlement on the Geelong land at a promontory which he called "Indented Head," near Corio Bay. This fact accounts for the claim of Geelong to be considered as the mother town of Victoria. It also accounts for the fact that a subsequent expedition with which a Mr Fawkner of Launceston was connected, and which reached Port Phillip in August of the same year 1835, believed itself to be the real founder of the colony. Fawkner, who had previously been at Port Phillip (probably in Collins' expedition of 1803) seems not to have accompanied the new explorers on their journey in the *Enterprise*; and his claim to leadership has been stoutly denied by members of the party, which proceeded up the Yarra river, and effected a landing on the present site of Melbourne. Seeing no signs of settlement, they believed themselves to be first in the field, but Batman's followers from Indented Head put in a rival claim, alleging that the spot (forming part of the district known as "Dutigalla") was covered by the grant made to them by the aborigines. Hence arose a dispute which lasted for a long time, and involved many obscure points. The truth appears to be that Batman and Fawkner (who soon arrived, and by his energy and enterprise undoubtedly did much to forward the settlement) are jointly entitled to the credit of founding the colony. Curiously enough, they represented very clearly the two rival interests of the time. Batman was a squatter who believed in sheep breeding on a great scale. Fawkner was a trader, and advocated small agriculture and industrial enterprise.

Geelong.

Melbourne.

Of course the so-called treaty with the aborigines was not allowed to stand. Some money was spent, and some very unsound constitutional law ventilated over the question; but when the Association laid the papers before its own counsel in England, their advice was unanimous against the validity of the grants. Three out

The question of title.

of the four counsel took the simple and obvious ground that the Crown claimed title to the land included in the grants, and that, therefore, no arrangement made without its approval could bind it. The fourth counsel (Dr Lushington) was of opinion that the land was not vested in the Crown, but that the grants still conveyed no title to the purchasers. The reasons for this rather peculiar view are not stated, but it is clear that the Association's case was hopeless. Either Port Phillip was in British territory or it was not. If it was, the aborigines could make no title without the consent of the Crown; if it was not, the settlers would have no claim to British protection—might indeed be treated as political enemies. After a short struggle, the settlers gave up the question, and threw themselves on the generosity of the Government. Ultimately, the surviving members of the Association were allowed £7000 on the purchase of land, by way of compensation and reward. The Association itself was dissolved in the year 1836, and had no influence upon the future of the colony.

The colony recognized.

The next question for the Home Government was whether it should allow the settlement to proceed, or peremptorily warn off intending colonists. The dislike of incurring the responsibility and expense of a new colony, and the unwillingness to allow a rival so comparatively near the newly founded settlement of South Australia pleaded strongly in favour of non-recognition. But the question soon settled itself by the logic of facts. It was impossible to keep settlers off the inviting pastures. In the early part of the year 1836 many more Tasmanian speculators appeared; and when in the autumn of the same year (spring in Australia) Major Mitchell published in Sydney his glowing account of his recent overland expedition to *Australia Felix*, the stream set in fast and strong from New South Wales proper. The settlement at Port Phillip was an accomplished fact, and Government had to recognize it. There were some indications, indeed,

that if the authorities should delay much longer, the settlers would take the matter out of their hands. But at present the new colony was anxious for official recognition.

On the 26th August 1835, Governor Bourke of New South Wales had issued a proclamation by which he claimed Port Phillip as part of the territory comprised within the limits of his commission, and warned all persons against trespassing upon Crown lands. This express claim was important in one respect; for it shewed that the new colony was to be governed from Sydney, not from Hobart, as Colonel Arthur, and, perhaps, some of the colonists from Tasmania, had hoped. But it did not do much towards organizing the colony; and, in fact, for more than a year after it the settlers lived in patriarchal simplicity, each being a law unto himself. But in September 1836, having in the meanwhile received an official report as to the character of the settlement, Governor Bourke proceeded formally to proclaim it as open for colonization, and to appoint Captain William Lonsdale as resident police magistrate. At the time when the report was drawn up (June 1836) the colony consisted of 177 white persons, who claimed to occupy about 100 square miles of land, and who owned about 26,000 sheep, with a few horses and cattle. Already eleven small vessels were regularly engaged in the trade between Tasmania and the new settlement.

On the 1st October 1836 the new police magistrate arrived with his establishment. The latter consisted of three surveyors, a lieutenant and thirty soldiers, and a couple of constables. From this tiny germ has sprung the present Government of Victoria. Institutions began rapidly to develope. Before the close of 1836 there was a public gaol. In the year 1837 Governor Bourke visited the settlement and laid out the sites of Melbourne (the Fawkner settlement, hitherto known as "Bearbrass") and Williamstown (the port of Melbourne); in September of the same year a police magistrate and constables

were appointed for the Batman settlement at Corio Bay, thenceforward known as Geelong; in 1838 Quarter Sessions were proclaimed at Melbourne, and in 1840 the town of Portland was laid out. Before 1840, however, important events had happened.

First land sale.

One of these was the first sale of land in the colony. Though it had ceased to treat the settlers as *de facto* trespassers, the Government had always declined to recognize any titles. One of Captain Lonsdale's earliest difficulties had been to prevent settlers building huts on any spots that pleased their fancy. He knew that such achievements would be made the basis of future claims, and he therefore hastened to open a regular market for the sale of land. The first sale in the colony took place at Melbourne in June 1837; and comprised half-acre lots in Melbourne and Williamstown. Of Melbourne lots about 100 were sold. The highest price reached was £95, the average £35. Only seven Williamstown lots were knocked down, but they averaged £46 apiece. In November another sale of Melbourne lots took place; but £100 was the highest price realized. Land in similar positions has since sold (even before "boom" times) at £600 per foot frontage. There was a sale at Geelong in 1839, and at Portland in 1840.

The Superintendent.

But meanwhile the colony had advanced a distinct step in its political organization. It was soon found that the simple machinery of a police magistrate and constables was insufficient for the wants of the community. It was necessary to do something more than keep the peace. Accordingly, in July 1839, Mr Charles Joseph Latrobe, who had been sent out from England for the purpose, was gazetted "Superintendent of Port Phillip." The title was an unfortunate one, for it obviously recalled the convict system. But its adoption was probably due to a desire not to commit the Government to an implied promise

of separation from the mother colony, rather than to any wish to limit Mr Latrobe's powers; for it was provided that, within the limits of his district, the Superintendent should exercise the powers of a Lieutenant-Governor. His district, it should be observed, was not by any means co-extensive with the present colony of Victoria. From Yarrawonga on the north to Cape Liptrap on the south—all east of such a line was excluded, probably with a view to keep clear of the little settlement at Twofold Bay. An under-treasurer and a clerk of the peace were added to the official staff in the same year 1839, and a Court of Requests for small civil cases established, to obviate the necessity of long journeys to Sydney. In the following year (1840) Melbourne was divided into two districts of north and south, and in 1842 the capital of the colony received its municipal charter. In the year 1840 Melbourne had also been proclaimed a free port. The proclamation of the Port Phillip Pastoral District in the year 1839 brought the colony within the provisions of the new squatting scheme of the mother-colony, and the subdivision of the District in 1840 (into the Westernport and Portland Bay Districts) and again in 1842 (by the creation of Gippsland and the Murray) is evidence of the rapid growth of pastoral interests, and the opening up of new territory.

Melbourne's charter.

The peaceful and prosperous period which followed on the organization of the colony, and which lasted until the great events of 1850–1, leaves little in the way of history to record. Almost the only landmarks are the inland discoveries which added more grazing land to the pastures of Port Phillip, the rather heated discussion over the land laws, and the progress of the struggle for separation from the mother-colony. The first of these movements is described elsewhere; here it is sufficient to say that the practical revelation of the fine district of Gippsland, though its existence was suspected long before,

was made in the year 1841, partly by exploration from the north, and partly by the extension of sheep stations in the south; that the overland journey from Sydney gradually opened up new country, often spoken of as the Omeo District, to the north-east of Port Phillip; and, finally, that by the year 1846 the Wimmera District in the north-west had become partially occupied.

Land question.

The land question deserves a more detailed notice. The first sales of land in Victoria took place under the Colonial Office Regulations of 1831 (Lord Ripon's), alluded to above (p. 62), and were conducted by auction with a small reserve. But this practice did not suit the views of the newly appointed Colonial Land and Emigration Commissioners, who had a special interest in the neighbouring colony of South Australia, where the Crown lands were not disposed of by public competition, but by allotment at the fixed price of £1 an acre. The founders of South Australia attached great importance to the maintenance of this principle, and they naturally feared that if it became known that land could be obtained at five shillings an acre (the reserve price) at Port Phillip, many of the South Australian colonists would be tempted across the border. There was little fear of land in Melbourne or Geelong selling at so low a figure as five shillings an acre; but country land might conceivably fetch no more at an auction.

So the Commissioners recommended that, except in towns where the practice of sale by auction had already been established, land sales in the Port Phillip District should for the future be conducted on the fixed price system, while at the same time the reserve in New South Wales proper should be raised to twelve shillings an acre.

These recommendations were duly acted upon, and they produced the important Land Regulations of 1840, which did far more than change the method of disposal of Crown lands.

By splitting up the old territory of New South Wales into three Land Districts (which must not be confused with the temporary Pastoral Districts), and by treating the proceeds of land sales in each as a separate fund, they clearly foreshadowed the separation both of Victoria and Queensland from the mother-colony. More than that, they considerably enlarged the limits of the first named colony by making the Murray and the Murrumbidgee its northern boundary, thus prolonging its territory eastward to the coast, and including in it the fine province of Gippsland. These boundaries were not secured in their completeness on the actual separation of the colony; but they had a substantial effect on the final settlement of the boundaries of Victoria.

The Land Regulations of 1840.

So disastrous, however, did the tendency of the Regulations appear to Governor Gipps to be, that he took the strong step of practically nullifying them in Port Phillip. The Regulations authorized the continuance of the auction system at Melbourne, Williamstown, Geelong, and Portland. So far good. They also named £100 an acre as the fixed price at which land in other new *towns* might be disposed of. At present there was not much harm in such a rule, except that it would materially check the settlement of new towns. But the Regulations sanctioned the disposal of all other land in Port Phillip District at the fixed price of £1 an acre, without competition, to all applicants in order of application. To Sir George Gipps this looked like mere madness, the result of ignorance of local conditions. The Commissioners seemed to have forgotten that, especially in an expanding community, land just outside a definite circle may be worth almost as much as land just within it; and Sir George Gipps calculated that an adoption of the Regulations in the neighbourhood of Melbourne and Geelong alone would involve the Crown in a loss (for so it seemed to him) of nearly one million sterling, even at existing prices. The truth of his estimate is strikingly exemplified by the case

of Mr Henry Dendy, who arrived in the colony at the close of the year 1840. This gentleman had bought from the Commissioners in London eight square miles of Port Phillip land at £1 an acre, and, armed with his certificate of purchase, claimed the right to select his territory anywhere outside the actual limits of Melbourne. He was offered £15,000 for his certificate immediately upon his arrival; and, had he been able to choose his land as he wished, and retain it to the present day, he would probably now be one of the wealthiest men in the world, with half suburban Melbourne as his tenants. As it was, he was "bluffed" in a not very creditable way by the Government, and it was declared that no more sales of suburban land would be allowed until further notice.

The short experiment of selling lands at a fixed price was, so far as Port Phillip was concerned, speedily put an end to by the vigorous remonstrances of Sir George Gipps, and the Crown Land Sales Act of 1842 introduced a uniform system of sale of all new lands by public auction throughout the Australasian colonies. A criticism of the fixed price plan will be more in place in an account of the founding of South Australia, where it first made its appearance.

New aspect of the land question.

But it is necessary to say a word about one provision of the Crown Land Sales Act 1842, which stirred up a terrible storm both in New South Wales proper and in Port Phillip District, and which gave the representatives in the new Legislative Council an opportunity for declamation, which lasted until the discovery of gold had emphasized the folly of their opposition.

This was the clause which positively forbade the sale of any Crown land (except in very rare cases) at less than a reserve price of £1 an acre. This became the text of grievances in the new Legislative Council at Sydney, which was (as we have seen) created by the Constitution of 1842, and to which Port Phillip sent six members. As the clause was contained in an Imperial

statute, nothing short of a similar authority could set it aside. The whole efforts of the Opposition were therefore directed towards convincing the Home Government that the reserve was excessive, and ought to be lowered. Sir George Gipps adhered manfully to the other view, and refused to approve (though of course he transmitted) the petitions of the colonists. The latter argued that the land of the colony belonged to the people of the colony, who alone gave it value, and that the people ought to be allowed to purchase as much of it as they wished at a reasonable reserve. The actual reserve suggested by the Council in some cases went as low as sixpence an acre. They complained that by the policy of the Government enterprise was starved and expansion prevented; for they argued (and quite truly) that profitable pursuits might be carried on upon land which, at that date, was clearly not worth a pound an acre. To this the Governor replied, in effect, that to assert the doctrine that the present handful of settlers had a moral claim to the whole of the land of the colony was a doctrine which no statesman, in justice to future generations, could possibly admit. He also pointed out that the recognition of the practice of squatting completely disposed of the theory that pursuits which would pay for occupation but not for purchase were discouraged. And, with regard to the doctrine of a prohibitive price, he simply pointed to the returns, which showed that, although in New South Wales proper the sales had fallen off since 1842, in Port Phillip they had increased substantially in the years 1845 and 1846. From '47 to '50 the rise was prodigious, though Governor Gipps did not remain to see this justification of his policy. The fact was, that, during the forties, men bought in Port Phillip District rather than in New South Wales proper.

Never has foresight been more completely justified than that of Sir George Gipps. Had the colonists been allowed their way, the generation of 1840 to 1850 would have acquired

the whole land of the colony at nominal prices, and the expanded population of the next decade would have found itself under a tyranny of landowners which would probably have led to a revolution. The Opposition, however, made one point when they said that the discouragement of speculative purchases gave an opportunity to the squatters to gain a moral, and, in some cases, a legal title to the freehold of their runs. This was, undoubtedly, one of the results of the Crown Lands Leases Act of 1847; but the provisions from which it sprang were inserted in spite of the express warnings of Sir George Gipps.

Separation.

With the year 1842 may be said also to begin the movement in favour of separation from the mother-colony, which achieved its success in 1850. The Constitution Act of the former year had made yet another change in the boundaries of Port Phillip, by discarding the Murrumbidgee as the boundary of the District, and substituting for it the more southerly stream of the Murray to its headwaters in the Australian Alps, and thence by a straight line to Cape Howe. This change, which was evidently due to the remonstrances of the Sydney colonists, who objected to losing the rich Goulbourn District, finally fixed the boundaries of the colony of Victoria.

Provided thus with a definite territory, the settlers at Port Phillip, now growing in numbers and wealth, began to feel the disadvantages of a distant seat of government. The Constitution of 1842 had nominally given them more power of managing their own affairs; practically it had placed them largely under the control of their fellow colonists in Sydney. After a very short experience it was found that Port Phillip residents could not be expected to give up their home interests to serve in the Legislative Council at Sydney; and it became necessary to elect representatives residing near the seat of government. This practice virtually left Port Phillip matters in the hands of Sydney men; and, willing enough as the Port

Phillip colonists might be to be ruled by Imperial statesmen, however distant from the scene of action, they were not in the least inclined to be ruled by New South Wales colonists. And yet, the more democratic the Council at Sydney became, the more nearly was this result achieved. It is but fair to say that the settlers in Port Phillip found a bold champion of their views, even among the Sydney residents; for Dr Lang, a presbyterian minister by calling and an agitator by predilection, warmly espoused their cause. Moreover from the very first the settlement at Port Phillip had had its own treasury, its own land fund, and its own staff of officials. And in the year 1847 the feeling in favour of separation had been accentuated by the division of the old bishopric of Australia into four new sees, one of which was specially constituted for the Port Phillip District.

Matters came to a crisis in the year 1848. An election to the Legislative Council took place in July of that year, and the settlers at Port Phillip determined upon a bold step. Persuading all the genuine candidates for the District to withdraw their names, they elected Earl Grey, the Secretary of State for the colonies, as member for Melbourne, and returned the District seats as vacant. Of course this was only a feint, and in October new elections were held, with the result that the vacancies for the District were filled. But the step had its effect on the Colonial Office, and when in the year 1849 the Board of Trade formally recommended the Ministry of the day to accede to the request for separation, the Ministry at once acquiesced, and the long-desired provision was inserted in the Constitution Act of 1850. The news of the passing of this measure reached Melbourne in November 1850, but the formal creation of the new colony of Victoria did not take place till the 1st July 1851. By this time the population had increased to 77,000, but the mere record of this total does not represent the important facts of the case. For

The elections of 1848.

the male inhabitants were more than 20 per cent. in excess of the female, and of the males more than one half were between the ages of 21 and 45, that is to say, in the full vigour of life.

Thus the masculine power of the community was unusually great, and its wealth corresponded with its vigour. The total revenue for the year 1850 was nearly £260,000, of which about half came from the land fund and about half from general sources. The revenue exceeded the expenditure, liberal as that had been, by thirty per cent. The imports reached the substantial figure of £745,000, or between nine and ten pounds a head, for man, woman, and child. But the exports were larger still, amounting in value to one million sterling. All this was before the discovery of gold.

3. *Queensland.* (*Moreton Bay District.*)

Oxley's expedition.

The expedition of Surveyor Oxley along the coast north of Sydney, in the year 1823, excited considerable interest, and various attempts were made to settle colonies at Port Essington, Melville Island, and other places on the north coast; but all these proved unsuccessful. It was considered, however, that some of the more accessible harbours on the east coast might be suitable for penal settlements, as a relief to the rapidly-filling Tasmania. Accordingly, in the year 1826, under the authority of an Order in Council issued by the Home Government, Governor Darling proclaimed Port Macquarie, Moreton Bay, and Norfolk Island as places to which persons convicted of offences in New South Wales might be sent. The Moreton Bay named in this proclamation is the seat of government of the present colony of Queensland; but the true growth of the colony must be sought elsewhere.

For the proclamation of Moreton Bay as a penal settlement of course carried with it a total prohibition of all free settlers.

No one was at liberty to visit the neighbourhood without the express permission of the Government, no land was thrown open for sale, the developement of the settlement was restricted within the limits fixed by the needs of the penal establishment. When the city of Brisbane was founded, it was founded simply as a Government station, and so it remained for fourteen years.

Meanwhile the great wave of pastoral enterprise had been rolling steadily northward as well as southward.

Pastoral exploration.

We have seen how the advanced stations in the Maneroo District of the Australian Alps led to the discovery of Gippsland. Just so did the stations on the Liverpool Plains lead to the discovery of pastoral Queensland. The squatters of the Liverpool Plains, ever seeking fresh pasture for their sheep, pushed northward, till they compelled the Government to recognise the New England District. The bolder spirits, many of them recent arrivals from England, pushed northward again, over the Macintyre and Dumaresq Rivers, until they discovered the Darling Downs, that splendid tract of sheep-breeding country which is now the pride of Queensland. Their silent approach had been hidden from the Government outposts near Moreton Bay by two lines of mountains, which, running parallel with the coast, screen the interior entirely from it. In fact these mountain walls were at first a source of great anxiety to the squatters, who wanted an accessible harbour, and for several years no pass to Moreton Bay was known except an almost impracticable fissure named "Cunningham's Gap."

At length the extreme expense of the long overland journey to Newcastle emboldened the squatters of the Darling Downs to push through the mountain wall and make their appearance in the Moreton Bay District. At first they were not allowed to bring their produce to Brisbane, but the abolition of the assignment system in 1838, and the suspension of transportation in 1840, soon led the Government to take a different view of the

case, and in 1840 the penal establishment at Brisbane was broken up. Thereupon the Government officials joined heartily with the "Jackeroos" (as the squatters had been called by the blacks) and a more practicable pass through the mountains was quickly found by the energy of Lieutenant Gorman, formerly commandant of the station.

Thenceforward the Moreton Bay District began to develope on much the same lines as those which had been followed by its sister colony of Port Phillip in the south. The first open sale of lands in the District took place (at Sydney) in the year 1842; but in the first nine years of its existence less than 2,500 acres of Crown land were disposed of. Direct immigration from Europe was established, but the immigrants came in small numbers. Squatting spread much more rapidly; and a steady stream from the northern districts of New South Wales soon rendered the appointment of Crown Land Commissioners necessary. But the squatters experienced great difficulty in obtaining labour, and the system of assignment and even importation of convicts from the old country was maintained in Moreton Bay District a decade longer than in New South Wales proper. When, on the attempted revival of the transportation system in 1849, the unfortunate *Hashemy* was driven with her convict cargo from Melbourne to Sydney, and there received with storms of indignation, the difficulty was disposed of by handing over the immigrants to the squatters of the Darling Downs, who were only too ready to receive them. In their hunger for labour, the squatters also imported Chinese hands across the straits, and thus laid the foundation of the great Chinese question. It is said, however, that the original Australian prejudice against the Chinaman was started before his arrival, by the scare created during the Chinese war of 1841–2, to the effect that the Chinese were determined to revenge themselves on their white neighbours by poisoning their tea. As the squatter's "hand" drank tea in large quantities when

he could not get whiskey, the stockmen fled to the towns upon the startling rumour, and left the stations deserted.

The gold discoveries of 1851, which did not extend to Moreton Bay District, added still further to the anxiety of the squatters, and laid the basis of the party politics of the next few years. The squatters desired labour at any price, but the new artizans and small farmers who were gradually growing up in and around Brisbane determined that they should only have it at a high price. The squatters' petitions for "exiles" (as the convicts were now euphoniously termed) were met by an opposition which based itself upon the alleged evil effect of the introduction of convict labour, but which was really produced by an anxiety to prevent the flooding of the labour market.

Effect of gold discoveries.

Accordingly, when the cry came for separation from the mother-colony, as it very soon did after the success of Port Phillip in that direction, it was not an united cry. The small farmers and the men of the towns, sheltering themselves behind the great Australian Anti-Transportation League of 1851, and choosing as their mouthpiece the ever available Dr Lang, aimed at separation pure and simple, with no obligations. The squatters, represented in the Council at Sydney by men of their own class, tried to tempt the Colonial Office to grant separation, by offering to relieve the mother country of an annual draft of convicts. Had not the distant colony of Western Australia come to the relief of the Home Government, by a request to be supplied with the article which the Queensland squatters were also seeking, it is possible that the latter might have had their way, at the expense of much ill-feeling. As it was, the resolute attitude of the great majority of Australians was respected, and, when separation was granted in 1859, it was accompanied by no conditions relative to transportation. The introduction of Responsible Government in New South Wales, followed by the discovery

Separation.

of gold in Queensland in 1858, really settled the question. It was hardly to be expected that the Moreton Bay settlers would allow their revenues to be expended by the Council at Sydney, and their affairs to be directed by Sydney-appointed officials. Even at the time of its separation, however, the colony was not very powerful, so far as material interests were concerned. Its population was about 30,000, divided almost equally between town and country. Of towns there were about twenty in all, ranging in size from Brisbane, with 4,000 inhabitants, to Allora with 55; in fact half of the so-called towns were mere villages. None of them had separate municipal governments at the date of separation; but the movement in favour of town municipalities manifested itself immediately afterwards. Brisbane, Ipswich, and Toowoomba obtained self-government at once. The relative proportion of the sexes, the male inhabitants preponderating by about 50 per cent., and the amount of the trade at the ports, gave promise of rapid and vigorous developement; and this promise has since been fully realized. Nevertheless, it is clear that, when it began its separate career, the community was a mere speck upon the surface of the vast territory confided to its care; and it is even startling to realize that its members entered upon their full political freedom without any preparation or schooling in the lower forms of political life. Queensland is, in fact, the only Australasian community which has never passed through the preliminary stages of colonial government. The fact that it at once proved equal to its new position must be regarded as a signal testimony to the political aptitude of the Anglo-Saxon race.

CHAPTER VI.

WESTERN AUSTRALIA AND SOUTH AUSTRALIA.

1. *Western Australia.*

EXPLORATIONS conducted by Captain Stirling on the western coast of New Holland, in the year 1827, determined the British Government to attempt a settlement in that direction. The tide of popular feeling was running so strongly in favour of colonization, that the Colonial Secretary actually indulged in the hope that the enterprise might be made self-supporting from the first; and the formal notice issued by the Colonial Office, on the 5th December, 1828, stated that His Majesty's Government did not intend to contribute anything towards the cost of transit, or the maintenance of the settlers in their new home. The inducement held out to intending emigrants was a promise that parties containing a proportion of not less than five females to six males should upon their arrival receive free grants of land, at the rate of forty acres for every £3 of capital invested in public or private objects in the colony to the satisfaction of the Government. All lands not brought into cultivation within twenty-one years from the date of the grant were to revert to the Crown, and the settlers were to give security that they would not come upon the Government for rations. Although the Colonial Office Notice was headed

"Swan River," its terms did not actually promise that the new settlement should be made in any particular spot.

Before these terms had been made public, however, certain enterprising capitalists—Mr Thomas Peel, Sir Francis Vincent, Colonel Potter Macqueen, and Mr E. W. Schenley—had made an offer which the Colonial Office felt strongly inclined to accept. Mr Peel and his friends proposed to arrange for the emigration, within a period of four years, of at least 10,000 souls; their object being to establish tobacco and cotton planting, the cultivation of sugar and flax, and the growth of certain unspecified drugs which, in some mysterious way, were to get the Government out of political difficulties then existing. The promoters of the scheme also proposed to rear horses for India, and cattle for the supply of salt provisions for the navy. In return for their expenditure, which they estimated at £30 upon each emigrant, they proposed that each of their male settlers should receive a free grant of at least 200 acres; but, though the terms of the Memorial are not very clear, it seems that these grants were to be deducted from the total area to be reserved to the promoters of the enterprise. This area the memorialists appear to have fixed at the modest figure of four million acres, being the value of their estimated expenditure, calculated at the rate of one shilling and sixpence an acre.

Mr Peel and his friends.

The negotiations which first followed upon this offer appear to have been orally conducted, and before the issue of the public Notice misunderstandings had arisen between the promoters of the enterprise and the Colonial Office. That something had been said by the Government officials to encourage the project appears probable; for Mr Peel at once proceeded to buy a ship capable of carrying 400 emigrants, and to stock her with the necessary provisions and outfit. He also entered into correspondence with Captain Stirling, the intended Lieutenant-Governor of the settlement, and then learnt,

obviously to his surprise, that the Government was not prepared to adopt his plans in their entirety. He remonstrated somewhat pointedly with Mr Horace Twiss, the official with whom he had apparently been in communication, but the department very easily disposed of his personal appeals by the simple expedient of directing another official to conduct the future correspondence. Mr Peel was evidently so very sanguine, and dealt so much in italics in his correspondence, that it is quite possible that he imagined Mr Twiss to have said more than he did say. And indeed, when he received his final answer from the Colonial Office, the cause of his disappointment is not very easy to ascertain. It is true that the Government reduced his maximum claim to one million acres, and cut down the allowance for cost of passage to £15 a head; but it accepted his estimate of land value at eighteen pence an acre, and allowed him twelve years within which to provide the required capital, while for ordinary emigrants the offer of eighteen pence an acre only held good till the end of 1829. Moreover, the Government actually offered to allot half a million acres immediately on the arrival of the first batch of 400 emigrants under Mr Peel's auspices, provided that they complied with the conditions of the Notice.

Nevertheless, it is quite clear that Mr Peel's friends were dissatisfied with the terms offered by the Government, for Colonel Macqueen withdrew at once, and in January, 1829, Sir Francis Vincent and Mr Schenley followed suit. But Mr Peel was made of sterner stuff, or more deeply involved, for we find his name, with those of his son and a few friends, on the list of inhabitants of the colony furnished by Captain Stirling in 1830, though his party appear to have declined to allow their names to appear on the ordinary Muster Book of the settlement. Moreover, Mr Peel seems to have succeeded in inducing nearly 200 persons to accompany him. He was invited to mark out his claim upon the map of the colony immediately

after Captain Stirling, who had been promised a grant of 100,000 acres, had made his choice; but, for some reason, his reservation appears to have lapsed, for Captain Stirling writes in January 1830 that he has thrown it open to general settlement.

The expedition sails.

In the spring of the year 1829 the expedition under Captain Stirling set out, and reached its destination safely in August of that year. The Governor, who was assisted in his labours by a small nominee Council created under an Act of Parliament passed for the purpose in 1829, immediately on his arrival marked out the sites of two towns—Freemantle, at the entrance of the Swan River, and Perth, the future capital of the colony, some nine miles up the stream. The favourable reports which the founders of the colony had circulated in England were eagerly adopted, and fresh colonists arrived in great numbers almost before the Governor was ready to receive them. Sufficient land had not been surveyed; the navigation of Cockburn Sound had not been thoroughly explored. Moreover, the character of some of the early immigrants left much to be desired. Though the Colonial Office had made a strong point of the promise that under no circumstances should convicts be sent to the colony, it was found necessary, in order to provide a supply of manual labour, to authorize the binding or "indenturing" of servants for a specified time to those capitalists who were willing to pay the cost of their passage; and a good many of these servants were simply vagabonds whom the parish authorities in England had been anxious to get rid of. Before the close of the year 1829 the Governor found himself obliged to appoint a magistracy and a body of constables; but the commencement of agricultural operations in the year 1830 did a good deal to provide regular employment for all hands, and to reduce the temptations to idleness and vice.

Within four months of its foundation the colony possessed

a population of thirteen hundred souls, of whom 850 were *bonâ fide* residents, and the remainder military on service, visitors from the other Australian colonies, or foreign merchants. Already twenty-five ships had arrived in Cockburn Sound; some of them from Sydney. The inevitable depression which seizes upon the immigrant soon after his arrival in a strange land had at first given rise to gloomy anticipations of failure; but, when Captain Stirling wrote, in January 1830, the community had already partially recovered from the attack. The building of houses and boats, the transport of goods from the ships, the examination of land with a view to selection, and fishing, filled up the time of the more energetic settlers, and left them little leisure for melancholy reflections.

Early days.

But the succeeding years were to try severely the patience of the settlers. The sanguine expectations of speedy success were not realized. The anticipated trade with China did not spring up; for the simple reason that the settlers could offer the Chinese nothing that they had not already, while they themselves could not afford to buy Chinese goods. For some time the supply of necessaries was intermittent, and in poor seasons the colony came near to starvation. Many immigrants had spent their last penny in purchasing articles of outfit, and were therefore unable to buy provisions on their arrival. The Government, though its officials did their best to alleviate distress, steadily declined to assume the responsibility of maintaining the population. The free grants made at the foundation of the colony had established a bad principle of settlement; and, although Lord Ripon's Regulations of 1831 introduced the practice of sale into the colony, it was some time before the evil effects of lavish grants were counteracted. Some of the early immigrants had brought out large numbers of indentured servants, whom they were, in many cases, bound to feed during the continuance of their con-

Depression.

tracts. Finding the expense of their keep greater than the profits on their labour, they often voluntarily released their servants, who either sought employment from the smaller capitalists of the settlement, or migrated to Tasmania in search of work. The former class often saved enough in a few years to buy small farms at the Government price of five shillings an acre; and then the labour market became starved, and wages rose to prohibitive figures. There was trouble also with the aborigines; and it became necessary to organize a system of mounted police to overawe them. Many of the settlers, overcome by their troubles, left the colony, and carried evil reports to other lands. Nevertheless, a temperate and detailed account of the settlement, published in the year 1835 by Major Irwin, for several years Commandant of the forces in the colony, shews that the community was distinctly progressing. Beside the original towns of Perth and Freemantle, the townships of Guildford, Kelmscott, Augusta, and York had been founded; and there was even a small handful of settlers at King George's Sound, where the new colony had taken over a military station established by the Sydney Government in 1826. Sheep-farming was being rapidly developed, as the suitability of the climate and soil became apparent. Horse-breeding had been successfully started. There was a regularly established weekly newspaper. And there were not a few individual settlers whose achievements and prospects were all that could be desired. So far as Government machinery was concerned, the necessary duties were performed by a small staff of officials, of whom the Colonial Secretary and the Surveyor were, perhaps, the most important. There was but one judge in the colony, who acted in the double capacity of Chairman of Quarter Sessions and Commissioner of the Civil Court. Criminal charges were always tried by a jury; in civil cases either party was entitled to demand the same method of trial. But it was to be long

Condition in 1835.

before the colony was able to defray the expenses of its own administration.

In the year 1835, largely at the instigation of Major Irwin, a society, known as the Western Australian Association, was established in London for the purpose of protecting the interests of the colony. It consisted partly of persons directly connected with the settlement, partly of Calcutta residents, who projected a connection, both for purposes of trade and health, with the colony, and of Englishmen interested in colonial questions. The Association succeeded in establishing a corresponding committee in the colony, and from time to time published information as to its conditions. From these reports we learn that, down to the end of the year 1835, about 1,600,000 acres of land had been alienated by the Crown; but the effect of these figures is modified by the consideration that less than 1,500 acres had been disposed of since the coming into operation of the rule against free grants, and that, of the remainder, only about 300,000 acres had been acquired in fee simple through the fulfilment of conditions of improvement. In the same year 1835 the colonists presented to the Home Government a Memorial against Lord Ripon's Regulations; urging that the abandonment of the free grant principle involved a breach of faith on the part of the Colonial Office. Though the Secretary of State declined to accede to this view, he allowed the owners of free grants, many of whom had selected their lands in great haste on their arrival, to exchange their old selections for blocks which time had proved to be more fertile or suitable. But as the old grants were only to be accepted at the rate of eighteen pence an acre, and the new were to continue at the minimum of five shillings adopted in 1832, it followed that the applicant anxious for exchange would only get 30 acres of new land for a surrender of 100 acres of his old property.

Western Australian Association.

The colony now entered upon a long and uneventful period,

in which the historian finds little to record. The reports which came to hand in the mother country shewed that the little settlement was making steady, if slow progress. In the year 1838 the non-official colonists secured a voice in the government of their own affairs through the nomination of four of their number to seats in the Legislative Council. The troubles with the aborigines were dying away. The blacks were voluntarily rendering services of a valuable character to the colonists, and a local law of a liberal character had admitted them to many of the rights of British subjects. By the close of the year 1840 the numbers of the white population had risen to 2,300, chiefly by the excess of births over deaths, for self-supported immigration had almost ceased, and assisted immigration had not yet begun. The cry of scarce labour was still heard, but in some way or other the farmers seemed to do well. When Governor Hutt reported in 1845, he took a cheerful view of the situation. The population had almost doubled itself in the preceding four years, the acreage under crop was steadily rising. A scarcity of money and a bad system of paper credit, combined with the difficulty of disposing of the abundant proceeds of successive good harvests, had at one time produced rather alarming results. But by mutual forbearance, and the exercise of economy, a better system had been introduced; and there was abundant evidence of comfort, if not of wealth. The great drawback to the economic prosperity of the colony lay in the uniformity of its occupations. Exchange, even more than production, is essential to the creation of wealth; and how exchange when all produce similar articles? The answer evidently was—develope an export trade, and thus increase your own means and the customs revenue at once. But just here lay the difficulty. The Indian trade was not very hopeful. The eastern colonies hardly wanted anything that Western Australia could give them. Nevertheless, the colonists had made a determined effort, with

no little success. In the year 1843—4 they had increased their exports by nearly 100 per cent., they had made a beginning in ship-building, the vine and the olive were being cultivated for export, and the friends of the colony had secured admission for Western Australian timber into the dockyards of the mother country. Meanwhile the old standard pursuits were not neglected. Sheep-breeding and farming remained as popular as ever.

But all other questions sank into unimportance compared with the standing difficulty of obtaining a supply of labour at moderate rates. Owing to the lavish distribution of land at the foundation of the colony, there were always private owners only too anxious to sell at less than the Government minimum of one pound an acre introduced by the Land Sales Act of 1842. The consequences of this fact were two. In the first place, any labourer who worked with steadiness for a few years could easily purchase enough land from private owners to enable him to set up as a small proprietor. On the other hand, the frequent purchases of land brought no money into the colonial exchequer, and, consequently, the fund from which the other Australian colonies paid the expenses of their immigrants, and provided their public works, was not in existence in Western Australia. In the early years of the colony a company, known as the Western Australian Company, had been formed, somewhat on the lines of the more famous New Zealand Company, for the introduction of immigrants and the developement of the colony. This body professed to have obtained a grant of 51,000 acres in the Leschenault District, near the northern coast of Geographe Bay, some hundred miles south of Perth, where it proposed to found a settlement to be known as Australind. But a reference to the Company's prospectus shews that it mainly aimed at inducing the emigration of small capitalists, who had already bought and paid for land at the

Scarcity of labour.

Company's offices in London, according to the vicious system, so much beloved of statesmen and company promoters, but so fatal to their clients, by which the intending settler is shown a plan of land situated thousands of miles away, and induced to commit himself irrevocably to the purchase of a spot which he has never seen, and of which the map can only give him the very vaguest idea. There is no need to attribute any conscious injustice to the organizers of such schemes. The natural desire to retain as much control as possible at head-quarters, and to secure the investor beyond redemption, is sufficient to recommend the plan. The Western Australian Company seems to have done some business; for we find it, a few years later, in correspondence with the Government on the subject of its claims. But it cannot have attained much success; for in the year 1849 a second association, the Colonization Assurance Company, was formed in England (apparently by some of the promoters of the earlier venture) to settle the very same district of Leschenault. The town of Australind, however, still survives.

Immigration at last.

At last the step was taken which was to prove so momentous in the history of Western Australia. In the years 1845 and 1846 the legislature of the colony took the question of labour into earnest consideration, and produced two reports, in which they strongly impressed upon the Colonial Office the absolute necessity, if the colony was to be saved from stagnation and decay, of facilitating immigration, both of small capitalists and of labourers. The suggestions made by the reports are, virtually, three. The first is the removal of all difficulties in the way of the introduction of German settlers, who (say the Council) are already disgusted with the treatment of their fellow-countrymen in the United States, and who look favourably towards Australia as a land of greater promise. The second is the assisted emigration of poor persons, who, not being actually paupers or at least not in-

capable paupers, are always very near the border line which separates dependence from independence, and a large proportion of whom fall every year into the ranks of those who receive public aid. The third, and most startling suggestion (regard being had to the circumstances of the founding of the colony) is that a limited number of convicts shall be sent out annually, at the expense of the Home Government, to labour upon the roads and other public works of the colony.

Very little seems to have come of the first of these suggestions. The legal difficulties in the way of German immigration were, even in 1846, very small, the chief one being a disability in aliens to own the fee simple of British soil. But, even if this disability held good in colonial territory, it was comparatively easy for the German immigrant to acquire the rights of a British citizen. The English Government did not see its way to advertise in Germany for German emigrants.

Germans.

The second suggestion could not be acted upon at once. The relief of the poor in England has always been a matter for the local, not the central Government; and, in 1846, the Poor Law Commissioners had not that control over the local authorities which is now so firmly exercised by the Local Government Board. But, in course of time, facilities were given by Parliament to the local Poor Law authorities to assist in the emigration of their poor. And, even before that time, means had been provided, as we shall see, for emigrants of the second class.

Assisted free immigrants.

But it was the third suggestion of the Legislative Council which received the promptest attention. The Home Government was just then keenly embarrassed by the growing dislike of the eastern colonies to receive convict immigrants, and it clutched eagerly at the opening offered by the wants of Western Australia. The colonists were under the impression that they would receive

Convicts.

bands of prisoners who would work in gangs under official supervision, or, at least, be assigned to private employers by the Government. But the assignment system had been formally abolished in 1838, and could not be revived; while the gang system required an elaborate organization which did not yet exist in Western Australia. The Colonial Office was in a hurry, so the Secretary of State determined on sending a varied assortment, with a view to test the capabilities of the colony. First came a ship-load of "Parkhurst" lads, who were so warmly welcomed that the Colonial Office speedily sent a second and a third detachment. On the 1st May, 1849, an Order in Council named Western Australia as a place to which convicts might be sent under the Transportation Acts; and, in the following year, arrived the first batch of "ticket of leave" men, who, as Lord Grey explained, would have to be treated in all respects as free persons, except that they would have to report themselves periodically to a magistrate; and Lord Grey suggested that an Act of the local legislature should render them amenable to summary jurisdiction for all offences not capital. So rapid was the stream, that Governor Fitzgerald held up his hands in alarm; but his fears were not realized, and when the Home Government proceeded further to create a regular penal establishment and to pour British money and British convicts into the colony wholesale, the settlers woke up to new energy, and things in Western Australia began to move at last. The opposition to the new decision had been faint, and it was now almost entirely overcome. Before April 1852 the colony had received 1,500 convicts, of whom about half were "ticket of leave," and half actual prisoners. In the year 1852 the Imperial Parliament voted £86,000 for the convict establishment, most of it to be spent in the colony. New officials were needed; old officials had their salaries raised. There was a steady market for provisions, and, with the produce of their sales, the farmers and squatters took up new land. The

country round Champion Bay was settled. Best of all, the land fund began to assume tangible proportions, and the Emigration Commissioners began to send out free emigrants by the hundred. Coal was discovered, a trade in guano and sandal-wood sprung up. The Madras cavalry took its remounts at last from Western Australia. Mining operations were commenced on the Murchison River. There was a talk of pearl fisheries in Shark Bay. The careful statistics compiled by Mr Durlacher, the Registrar-General of the colony, in 1859, shew that the population had increased to nearly 15,000, or an increase of 23 per cent. on the census of 1854, that the revenue had, during the same period, increased 43 per cent., that, though very few immigrant capitalists had arrived, there had been an influx of nearly a thousand agricultural labourers, whose services were enabling the farmers to develope their land at a profitable rate. The health of the colony, as usual, left little to be desired. Wages were high, though not prohibitive; the prices of necessaries low.

Drawbacks.

But there were certain drawbacks to this picture of prosperity. The decision adopted in 1849 (p. 124) bore immediate fruit in the constitutional plans of 1850. When the other colonies of the Australian group obtained their representative institutions by the Imperial Act of the latter year, Western Australia was left out in the cold. It was merely provided that, when she could prove herself to be entirely self-supporting, her local legislature might, upon a petition of one-third of its householders, make provision for representative institutions on the model of the eastern colonies. An attempt in this direction was made in the year 1854, but without success. The colony was unwilling to forego the advantages to be derived from the heavy expenditure of Imperial funds, which exceeded its own proper revenues by considerably more than 100 per cent.; and, though most of this large outlay was directly connected with the convict establishments, yet a

subsidy of about £10,000 was annually needed to supplement the colonial expenditure on the strictly civil administration. Moreover, of the whole male population of the colony at the close of the year 1859, nearly 41 per cent. were or had been convicts. In Freemantle, Perth, Sussex, Swan, Toodyay, Victoria, Wellington, and York, the bond population actually exceeded the free, at least among the male adults, who alone would take part in the work of representative government. Even excluding actual convicts, there was only a percentage of 62·5 persons above the age of infancy who could both read and write; and every year saw the admission into the ranks of the free of illiterates destitute of such elementary accomplishments. It was impossible to grant representative institutions to such a community as this.

Cessation of transportation.

But in the year 1865 a change came about. In that year the Home Government announced, in deference to the urgent remonstrances of the other colonies, its intention of ceasing to send convicts to Western Australia. The settlers in the latter colony were dismayed. They had grown accustomed to the new state of things. They did not object to the risks of "ticket of leave" servants. The Imperial Law officers had in 1850 given a valuable opinion to the effect that the committal to prison of an indentured servant for an offence against his master did not dissolve the contract of service. Before that date, if the servant were anxious to change his place, he committed an offence which would land him in gaol for a month, and, when he came out, he was a free man, so far as his former master was concerned. Now the boot was on the other foot. The master prosecuted the offending servant, allowed him a month to repent of his misdeeds in prison, and then received him back to sterner discipline. Colonists had grown rich on the expenditure of the convict establishments. They saw ruin before them if it ceased. They protested to the Home Government, but

they protested in vain. The other colonies declared that the convicts who escaped, or the "expirees" who retired from their somewhat distant neighbour contaminated the immaculate purity of their own populations, and the Home Government (doubtless to its own chagrin) had to bow before an overwhelming majority.

Revival of claim for representation.

But good came out of the immediate loss suffered by the colony. With the change in its circumstances, the desire for free institutions once more awoke, and, in the year 1865, a petition, which alleged itself to be signed by 1,303 of the 2,110 householders of the colony, was presented to the Legislative Council, urging the introduction of a measure to establish representative government. The Council, which had undergone no change in its constitution since the year 1838, save by the introduction of two more official members, did not receive the petition with perfect sympathy, but, nevertheless, appointed a committee to enquire into its statements. The committee reported that, although the signatures should be properly reduced to 1,153, by striking off the names of petitioners still under sentence, yet that the latter number could be accepted as genuine, and that 898 of the 1,153 admitted signatures were those of persons who had never undergone sentence—in fact of fully free citizens. Even the reduced figure of 898 obviously represented more than the statutory third of the householders of the colony, and the committee was, therefore, obliged to report the petition as formally adequate. But the Council denied altogether its duty, as distinct from its discretion, to act upon the prayer of the petition; and its members, with one dissentient voice, adopted an amendment to the effect that the requirements of the situation would be adequately met by the addition of two non-official members to the Council—in order to balance the official against the non-official votes—and by the alteration of the tenure of non-official members from life holding to occupa-

tion for three years. In this view Governor Hampton concurred, and, in the year 1867, the Duke of Buckingham announced that the Home Government would act upon the recommendation. But public feeling was too strong, and in the year 1870 a Legislative Council, consisting partly of nominee and partly of elected members, was created, on the model of the Constitutions of 1850. Twenty years more of steady progress brought the colony of Western Australia into the front rank of British dependencies; and in the year 1890 an Imperial statute enabled her Majesty in Council to assent to the terms of a colonial measure which provided a bi-cameral Parliament with full powers of self-government. Her Majesty's assent was proclaimed in the colony in October of the same year, and completed the establishment of Responsible Government in Australasia. The colony founded, amid so much difficulty and discouragement, by Captain Stirling in 1829, now ranks in point of political developement and independence with the oldest and proudest possessions of the Crown; while recent developements in commerce and industry bid fair to make it equally successful in the pursuit of material prosperity.

A Representative Council.

Responsible Government.

2. *South Australia.*

The record of the colony of South Australia is one of the pleasantest chapters in Australasian history. Though the colony had its trials in early days, they were soon over; and, though its prosperity has sometimes advanced by leaps and bounds, its progress has, in the main, been steady and uniform. There has been, practically speaking, no difficulty with the aborigines; there has never been a convict question in South Australia. The colony has had its romance in the Northern

Territory problem and the overland telegraph. Probably at some future date the romance will be realized in solid fact; the telegraph is, as every one knows, already accomplished.

Sturt's overland journey.

Sturt's famous overland journey in 1830, during which he explored the waters of the Murrumbidgee and the Lachlan, discovered the Darling, and floated down the Murray till he reached Lake Alexandrina, practically gave the occasion for the settlement of South Australia. Though the intrepid explorer did not succeed in reaching the sea, owing to the dangerous character of the mouth of the Murray, he saw enough to convince him that a great and fertile land lay awaiting settlers. His reports stirred up the Sydney Government to further efforts; and in the following year Captain Collet Barker, who had been visiting the abortive settlements in the north-west, and had touched at King George's Sound on his return, was commissioned to examine St Vincent's Gulf, for the purpose of completing Sturt's exploration of the Murray. This object he achieved, though he died in the moment of triumph, slain by the blacks, whose cause he had always championed. Fragmentary as were his notes, his efforts were sufficient to prove that there was access from the sea to land suitable for a settlement, and the plan was taken up forthwith in London.

But the disasters of recent years, in connection with the colony of Western Australia, had not escaped public attention; and there was a deliberation and carefulness in the preparations for the new settlement which augured well for its success. The celebrated theorist on the subject of colonization, Mr Edward Gibbon Wakefield, expounded his views at length, and some of the main features of his scheme were adopted. Finally, in the year 1834, a statute of the Imperial Parliament authorized His Majesty to create a province or provinces of South Australia, which should be exempt from the jurisdiction of any other Australian Government. It seems odd that the framers of the

statute should have chosen the old military title of "province" for that settlement in Australia which least of all deserved the name; and we may agree with a recent historian that the name of "South Australia" is vague and meaningless, while at the same time we may be permitted to hope that his proposed substitute—"Centralia"—may never be allowed to offend British ears. But the "Province of South Australia" became, and still technically remains, the title of the great colony which fills the gap between New South Wales and Victoria on the east, and Western Australia on the west; which touches the Pacific Ocean on the south, and now (through the addition of the Northern Territory) stretches away to the Indian Ocean on the north. It is in area the largest of all the Australasian group, save only its huge western neighbour.

The scheme of 1834.

The statute of 1834 provided that the King in Council should appoint a body of three or more Commissioners, to be known as "The Colonization Commissioners for South Australia," whose function it should be to manage and dispose of the land and land revenues of the province, and superintend the emigration of settlers. The details were to be managed on the spot by a Resident Commissioner, appointed by the Crown as Commissioner of Public Lands in the Colony, but acting under the directions of the Commissioners in London, who were also to have power to appoint a secretary, treasurer, assistant surveyors, and other officials. By implication, however, the colony was to be ruled by a Governor appointed by the Crown, to whom the power of making laws was to be delegated; but it was promised that a Constitution should be granted when the population of the colony should reach fifty thousand souls. It is an express provision of the statute that convicts from the United Kingdom shall at no time and under no circumstances be transported to the colony.

The remarkable feature in the provisions hitherto detailed

is, of course, the great power given to the South Australian Commissioners, who, though they were undoubtedly Crown officials, were also in fact the promoters of the enterprise. But the discretion of the Commissioners was limited by one or two provisions of importance. No Crown lands were to be sold at less than twelve shillings an acre, and no power was given to the Commissioners to make free grants. The Commissioners may fix any sum higher than twelve shillings an acre as the sale price; but such price is to be uniform at any given period, irrespective of situation or quantity, the money must be paid down, and the sale must be public. The proceeds of the land, whether arising from sale or pasturage licences, are to form an Emigration Fund, which is to be wholly devoted to the emigration of persons under the age of thirty years, as nearly as possible in equal proportion of sexes; and no assisted passage is to be allowed to one member of a family unless the others accompany him. Moreover, in order to test the *bona fides* and stability of the scheme, the Act is not to come into operation until the Commissioners have deposited £20,000 as security with the Home Treasury, and until intending purchasers of land in the colony to the extent of £35,000 have come forward and deposited their purchase money. But, these conditions being fulfilled, the Commissioners are to have power to borrow on the security of the Land Fund anything up to £50,000 to start emigration, and, for general purposes, up to £200,000, to be charged on the future general revenues of the colony.

It will be seen from the foregoing sketch of the provisions of the South Australian statute that the new colony was intended to be a venture on a purely voluntary basis, an association in the nature of an ordinary mercantile enterprise, for which the State took no responsibility. The actual work of government was, no doubt, to be carried on by state officials; but this was to be government as it was understood in England, not as it had been hitherto practised in Australia, where the

State fed, clothed, taught, and employed the bulk of the population. The State reserved to itself the right to take over the administration in the wider sense, if at the end of ten years from the passing of the Act there should not be a population of ten thousand in the province; but that contingency never happened, and the Commissioners were ultimately abolished or, rather, transformed, for very different reasons.

The founding of the colony.

So prompt was the response to the scheme of the Commissioners, that the first emigrant ship, the *Duke of York*, anchored in Nepean Bay, Kangaroo Island, on the 27th July 1836, and seven more vessels reached the coast before the end of that year. The true pioneer of the colony was Colonel Light, the first Surveyor General, who, after much exploration and anxious consideration, fixed the site of the capital on the banks of the river Torrens, where Adelaide now stands, and that of the harbour at the present Port Adelaide, eight miles from the city, and about half-way up the eastern shore of St Vincent's Gulf. The former choice, though hotly disputed at the time, has been amply confirmed by experience; the latter was not so happy, but the difficulties of the coast were great, and Colonel Light could hardly have been expected to foresee the enormous increase in the draught of ocean-going ships which has taken place since the founding of South Australia.

Early experiences.

The early days of the colony illustrated the weakness of the dual system established by the South Australian statute. One of Colonel Light's subordinates, no doubt actuated by the best of motives, appealed from him to the Commissioners in England on a point of administration, and the Commissioners virtually suspended Colonel Light without hearing his version of the story. The Surveyor General, already worn out by the toils of his office, died in the year 1838. Captain Hindmarsh, the first Governor, was hardly more fortunate. He quarrelled with his officials, most of them

appointed by the Commissioners, and was recalled at their instigation in the year of Light's death. His successor, Colonel Gawler, was inexperienced and unsuccessful. He launched into a wild expenditure on public buildings, much in excess of the requirements of the colony, and thus concentrated the labourers of the settlement, who were grievously needed in the agricultural districts, in the suburbs of Adelaide. It is said that in the year 1840, when the population was still less than 15,000, the debt of the colony exceeded £300,000. Bills drawn by Colonel Gawler on the Home Government were dishonoured, and the infant settlement was plunged into a financial crisis. In 1841 Colonel Gawler was replaced by a man whose name is for ever identified with the success of the Australasian colonies—Sir George (then Captain) Grey. Under his wise government the province commenced that career of prosperity which, with few breaks, it has ever since maintained.

But, even before Captain Grey's arrival, events had happened which showed that there was a future before the colony. In 1838 cattle had been brought from New South Wales by the Murray route, and an indication of future commercial possibilities thereby clearly given. The survey of the colony had been pushed on with great energy, and upwards of a quarter of a million acres had been sold by the middle of the year 1839. The price realized, nearly £230,000, showed that the estimate of twelve shillings an acre had not been chimerical. Settlers were pouring in, and bringing capital with them. Mr Eyre had explored the shores of Lake Torrens, and accomplished his brilliant feat of travelling overland from Adelaide to King George's Sound. Perhaps the extravagance of Colonel Gawler's government was actually provoked by the prosperous state of the settlement.

Captain Grey took prompt measures to relieve the situation. His first care was to diminish the army of Government employés which had grown up under

Arrival of Grey, 1841.

the extravagant rule of Colonel Gawler, and which was doing a double injury to the community, by eating up its revenues and by depriving the farmers of necessary labour. He at once made a substantial reduction in the rate of Government wages, with which it had been impossible for private employers to compete, and refused to enter upon any new works except those actually essential for the business of the colony. Great indignation followed, of course, amongst those who had found their account in the old state of things; and, had there been representative institutions in the colony, matters would have gone hard with the young Governor. But Grey was the last man in the world to be turned aside from his convictions by popular clamour; and, in this instance, he fortunately had the power to enforce his views. Great reductions were at once effected in the Government expenditure, and the most beneficial results followed. The farmers, now able to procure a supply of labour, extended their operations; and in the year 1841 the cultivated area of the colony rose from 2,500 to 6,700 acres, while in the following year it nearly reached 20,000 acres. The significance of these figures does not quite appear until we know that during the same two years the population of the colony only increased from 14,600 to 17,000. In other words, the immense increase in the cultivated area was not due to the sudden influx of immigrants, but to the better distribution of the existing population.

Financial troubles.

Unfortunately, the debt incurred by Colonel Gawler hung like a millstone round the colony's neck, and when Captain Grey, anxious not to break faith with the public creditors, drew bills on the Home Government to meet the debts incurred by his predecessor, the bills were dishonoured. The justice of this step on the part of the Secretary of State it is impossible to discuss here; but the incident was distinctly unfortunate, as it produced bad feeling in the colony, and perhaps gave rise to those strained relations

between Sir George Grey and the Colonial Office which have done so much to mar the usefulness of the former's brilliant career. Happily, the immediate tension was relieved by the discovery, towards the end of the year 1842, of the great Kapunda and, later on, of the Burra copper mines, which brought a new industry into the colony and, by stimulating the growth of population, enabled the farmers to find a ready market at profitable prices for their produce. To these discoveries is probably to be attributed the steady and substantial increase in the population which set in after 1842, and which continued until the gold rush in 1851. In the latter year South Australia sent, to the United Kingdom alone, upwards of 4,000 tons of copper ore, being a greater contributor in this respect than any other country in the world except Cuba.

Major Robe.

In the year 1845, Governor Grey, to the great regret of the settlers (who had by that time learnt to appreciate his value) was transferred to the neighbouring Australasian colony of New Zealand, where his arduous labours form an important chapter of colonial history. He was succeeded at Adelaide by Major Robe, whose short term of office was chiefly marked by an unhappy quarrel on the subject of ecclesiastical precedence. The subject cannot be adequately treated in this book; but it may be said that, whereas the equality and independence of religious bodies was a fundamental principle with the founders of the colony, Major Robe proposed, not indeed to establish the Anglican or any other Church, but to grant pecuniary aid from the State coffers to the principal religious communities. The desire for Government subventions was so universal in the early days of the Australian colonies, and the temptation to the leaders of any one body so strong, that Major Robe's proposals were adopted by the majority of his nominee Council. But, with the fuller political emancipation in 1851, his arrangements were entirely swept away; and

probably the bulk of the colonists had all along disliked them as a perpetual apple of discord.

Sir H. E. Fox Young.

This question, and an unsuccessful attempt on the part of the Governor to impose a royalty on minerals without the consent of the Legislative Council, form the chief incidents of Major Robe's career. He was recalled, at his own request, in 1848, and succeeded by Sir Henry Fox Young.

Sir Henry Young's term of office included events of the first degree of importance, not only for South Australia, but for the whole of the Australasian colonies, for it comprised the gold discoveries of 1851, and did not cease till the very eve of the introduction of Responsible Government. But the first part of it only belongs to this chapter, and the principal fact in the first part is the introduction of representative institutions.

An explanatory statute of the Imperial Parliament, passed in the year 1838, had enabled Her Majesty to constitute a Legislative Council of any number of persons (not less than three) resident in the province. Under the powers of this statute a Legislative Council of eight nominee members had come into existence, and had virtually acted as the advisory committee of the Governor. Of these members of the Council, half were "official" in the strict sense, i.e. they were the holders of paid appointments under the Crown in the colony, while the other four, though nominated by the Governor, were not officially connected with the Government otherwise than as unpaid members of the Council, and were supposed to represent the interests of the ordinary colonists. But it is, of course, clear that the Governor would not nominate or recommend to seats in the Legislative Council any persons who were avowedly hostile to the general policy of the Government. And, even if the non-official members proved restive, it was obvious that the Governor's casting vote would always give the official members a majority, if the latter were present in full

force. The strong card of the Opposition lay in the fact that five members were necessary to form a quorum of the Council. If, therefore, the four non-official members withdrew from session, no business could be done; and this card was played with effect during the struggle over the mineral royalties question.

The South Australian Act of 1842.

It had, however, been a virtual promise at the time of the colony's foundation, that, when the number of inhabitants reached 50,000, a "Constitution" should be granted by the Imperial Government, and this Constitution was generally understood to imply the existence of the representative element. So far from attempting to go back upon this arrangement, the Imperial Government had in the year 1842, long before the required condition had been satisfied, passed an important statute empowering Her Majesty to create in the colony a Legislative Council or a General Assembly, or both; and the statute provided that, if an Assembly were established, it should consist either wholly or partially of elected members. The statute is noteworthy on other grounds in the history of South Australia. It consolidates into one fund, bearing interest at the very moderate rate of $3\frac{1}{2}$ per cent., the various debts incurred by the Commissioners under the powers of the foundation statute of 1834, and guarantees the creditors their interest by a charge on the Imperial Consolidated Fund; it forgives the colony entirely the sum of £155,000 which the Imperial Government had advanced to it in the troubles of its early years; and it authorizes the Governor (but not the Commissioners) to borrow any future sums which it may be necessary to raise upon the security of colonial debentures charged upon the revenues of the colony. The Crown Land Sales Act of the same year (1842) abolished the general control of the South Australian Commissioners over the colony, along with the office of Commissioner itself, and merely left to the newly constituted Colonial Land and Emigration Commissioners certain powers over the disposal of Crown Lands and the revenues derived

therefrom. The events of the year 1842 had, therefore, placed South Australia, both as respects government and land distribution, on the footing of an ordinary colony of the British empire, free from proprietary interests.

The constitution.

But it was not until the year 1849 that the circumstances of the colony warranted the Crown in putting into force the constitutional clauses of the Act of 1842. In the year 1849, however, the population rose rapidly from forty-one to fifty-two thousand, and the Home Government promptly responded to the request for further emancipation. Inasmuch as the Imperial Parliament contemplated a measure dealing generally with the government of the Australian colonies, it was not thought well to put in motion the special machinery, or to use the special terminology of the South Australian Act of 1842. But the statute of 1850, which separated the Port Phillip District from New South Wales, and conferred representative institutions on Tasmania and Victoria, provided for the establishment of a similar form of government in South Australia, and thus brought all the Australian colonies (with the exception of Western Australia) into the same stage of political developement. Under the provisions of a Colonial Ordinance, approved by the Queen in Council, a new Legislative Council was created, to consist of twenty-four members, of whom two-thirds were to be elective and the remaining eight nominee. Of the nominees, again, only half were to be officials (in the strict sense), so that the new Council (as it continued to be called, though it was, in fact, the "General Assembly" contemplated by the statute of 1842) contained really four-fifths of more or less independent members. The Council met for the first time on the 20th August 1851, and though, of course, it had control neither of the Land Fund nor of the immediate action of the executive, by its free criticism and its control of the general revenue it at once obtained a hold upon the policy of the Government.

CHAPTER VII.

THE GOVERNMENT OF THE AUSTRALIAN COLONIES TO 1851.

It is generally admitted that, of all the benefits to be derived from a study of colonial history, none is greater than that which arises from an observation of the political developement of the English-speaking colonies. And while the influence of the Australian colonies upon the mother country has in many respects been considerable, it has, in all probability, been greater in no other sphere than in the department of politics. It becomes important therefore to attempt a general survey of the early political history of the Australian colonies, and the year 1851 has been chosen as the period at which this early history terminates, because it was not until that date that the Australian colonies were in any way brought into line as the recipients of political institutions. Before the passing of the Australian Government Act of 1850, the political history of the group of communities with which we are now concerned had indeed pursued a common course, but the various stages had been reached at very different periods. The great events of the year 1851 tended to make one Australian history out of what had been several distinct Australian histories, and thus the date is doubly suitable to mark an epoch. With regard to

the neighbouring colony of New Zealand, its early arrangements were so different from those of the Australian group, that we shall do better to treat of them in a separate chapter.

England and her dependencies.

Our account of the history of Australian government must naturally commence with some account of the source from which it issued; although this is so much a part of English history that our account may well be brief.

The question of foreign dependencies had arisen at a very early date, in connection with the dynastic claims of the English monarchs of the Norman and Angevin lines. The Conqueror's Duchy of Normandy, with its outlying fiefs in the Channel Islands, Henry II's great inherited possessions of Guienne and Anjou, Edward III's claims on the throne of France, all rendered it impossible to overlook the question. So long as the English kings ruled England simply through their officials, with the occasional advice of Councils of Nobles, there could be small opportunity for difference of opinion. Provided that the exchequers of Normandy and England were kept separate, that the courts in each showed respect for the local law, the king might do pretty well what he pleased with either country, short of making personal demands upon the services or property of his subjects. But when, in the 13th century, parliaments of Estates began to acquire considerable authority in their own lands, it soon became a question how far the influence which bound the king in one country could extend to his actions in another. Happily, the two parties chiefly interested were at one in the matter. The king objected to any interference by the strong English Parliament with his government of outlying dependencies, whose people were perhaps more ready than the English to submit to despotic power. The English Parliament, on the other hand, realized perfectly that any admission by the king of its right to control the affairs of a dependency would imply a corresponding responsibility for the

finances of that dependency, and warily declined any interference. Thus it came to be accepted as a doctrine of the constitution that the government of dependencies was the peculiar province of that department of the English administration which was supposed to be immediately under the control of the king—viz., the King's or (as it came later to be called) the Privy Council. This doctrine prevailed without question down to the Restoration in 1660, in spite of the events of the Civil War; and by virtue of it Jersey and Guernsey claim to this day that they are not in the jurisdiction of the English Parliament.

The English-speaking colonies.

Before the Restoration the question had, of course, assumed serious proportions. The founding and gradual developement of the American colonies, the strong tide of immigration to them which set in with the beginning of the Puritan troubles, had put a wholly different complexion on the subject of dependencies. The American colonies were not foreign countries united to England by the accident of dynastic title, but communities of kindred blood, whose hopes and sympathies were pretty sure to be shared by one or other of the newly-formed political parties in the old country. Though they could hardly be treated as Calais had been, by the grant of direct parliamentary representation, their interests were readily espoused by members of the House of Commons, now growing in importance; and the experiences of the Long Parliament, which had ruled the colonies as it had ruled everything else, had rendered the House of Commons very unwilling to part entirely with the control of foreign possessions. Cromwell's naval victories, which had added Jamaica to the list of dependencies, stimulated this feeling, and, although the growing English settlements in India, and the newly-acquired station at Bombay, were still left to the East India Company, Parliament declined to part altogether with control over the colonies.

Clarendon's plan. 1660.

The compromise which Clarendon suggested, and which he ultimately carried through, was worthy of his high reputation for statesmanship. He declined to hand over the direct administration of the colonies to Parliament, a task for which Parliament was then but little fitted, but he reorganized the old constitutional authority, the Privy Council, and provided for the appointment of a special committee, which he named the *Council of Foreign Plantations*, to "sit apart for the most particular inspection, regulation, and care of the Foreign Plantations." Twelve years after its formation, viz. in the year 1672, this committee was amalgamated with another committee formed by Clarendon at the Restoration, the *Council of Trade*, and the two together, known as *The Council of Trade and Plantations*, are, undoubtedly, the earliest appearance in English history of a regular Colonial Office. It is, however, only just to point out that the idea of such a body really belongs to Cromwell's period of government, when an unsuccessful attempt had been made to constitute a *Council of Trade and Navigation*. It is also noteworthy that one of the express duties of the first Council of Trade and Plantations was to consider "how noxious and unprofitable persons may be transplanted to the general advantage of the Public and commodity of our Foreign Plantations." The Council was abolished in the year 1675, but, twenty years later, it was revived by King William, and continued to be the colonial authority till the year 1781, when it was abolished at the close of the American War of Independence.

Parliamentary control.

But the mere constitution of such a Council would not of itself have given Parliament any influence over the colonies. Parliamentary elections did not at the Restoration, as they virtually do now, appoint the most influential members of the King's Council.

To understand how Clarendon's scheme indirectly brought about a Parliamentary control which Clarendon himself, perhaps, did not desire, but which he surely must have foreseen, we must turn for a moment to another subject.

The Secretary of State.

When the Norman and Angevin kings organized the government of England, they adopted a plan which they had inherited, through the arrangements of Charles the Great, from the elaborate officialism of the decaying Roman Empire. This plan, be it remembered, had nothing in it of the severe Republicanism of early Rome. It was the gradual outcome of Greek and Oriental influences upon the decaying empire of the Cæsars, which had long had its seat of power, not at Rome, but at Constantinople. Briefly speaking, the plan was, to create a separate and clearly defined office for each department of Court or State, and to hand it over to the almost irresponsible charge of a great official. In many cases these offices became hereditary; they were looked upon as property, and were often sold by the king before they fell vacant. With the introduction of feudal ideas, they gradually became fiefs much in the same way as land. They were expected to yield the Crown a certain revenue, and there were certain vague principles as to the rights of their holders with regard to the public; but beyond this the official conducted his department with little interference on the part of the sovereign.

Two results followed from this policy; first, that the kings or emperors gradually lost touch of one department of business after another, and found themselves helpless in the hands of their great officials; secondly, that the offices themselves came, by inheritance and purchase, to be filled by mere grandees, whose duties became formal or honorary. In this way the old Court offices in England, the Chamberlainship, the Stewardship, the Marshalship, and the like, had already become useless for government purposes by the end of the 12th century.

The English kings could not, with their ability, have failed to see this, and their rapid creation of new offices, justitiarship, treasurership, chancellorship, attests their anxiety. But here they repeated the old policy of endowing offices with definite functions; and the new officials, though originally intended to be mere men of business, soon began in their turn to pose as grandees, and to claim independence in their offices. In the organization of the Exchequer we can see how the kings tried to play them off against one another; but only the strong kings succeeded in the task.

At last the English kings succeeded in training up a race of officials whose duties were simply to do what they were told. From about the close of the fourteenth century, we come across traces of individuals described as "King's Secretaries," who possessed the confidence of the monarchs, but who were not allowed to assume an independent position. Their principal duties were to conduct secret correspondence, and to keep the king aware of what was going on in all the departments of state. Though not of the dignity of councillors, they attended the meetings of the King's Council in the capacity of clerks or secretaries, and probably knew as much of what was being done as the chancellor or the treasurer himself.

Tudor policy.

This kind of official was exactly suited to the ideas of the Tudor monarchs, who were bent on breaking down feudal independence, and whose ceaseless activity demanded the aid of able and faithful agents. Accordingly, we find that, with the sixteenth century, the King's Secretaries rise into the first rank of officials. In the list appear such names as those of Thomas Cromwell, Cecil, Walsingham, Sir Thomas Smith. By a statute of 1539, the secretaries, now officially styled "The King's Majesty's Principal Secretaries," are given precedence before all other persons of their social rank while, from a Royal Warrant of the same date, we learn that they attend all meetings of the Council

(though not yet as councillors), and (a very important matter) that it is their duty to be present, in an official capacity, at all meetings of either House of Parliament, whether they are members or not. Obviously this latter practice was intended to give the king a hold over Parliament. It resulted in giving Parliament a hold over the king.

The Secretary in Parliament.

Thus politicians of all views held that the presence of the secretaries in Parliament was desirable. As Parliaments grew in importance, the kings felt it to be almost impossible to govern without an intimate knowledge of the temper of the House of Commons upon important topics. The Parliament found it impossible to criticize adequately the policy of the king, unless it had daily opportunity of questioning and influencing at least some officials actually engaged in carrying out that policy. But the haughty jealousy which the victories of the Civil War had developed in the temper of Parliament would brook no violation of the rule of secrecy of debate, and it would have been impossible for the king to have insisted on the presence in Parliament of officials who were not members of either House. The result of the feeling was that, after the Restoration, it became necessary to appoint as Ministers of State men who actually occupied seats in Parliament. At the same time, Clarendon made it an essential of his policy that the Secretaries should not only be members of the Privy Council, but *members of all committees of it.* Thus the Secretary of State became an essential link between Council and Parliament, as an official who necessarily knew the mind of each. Thus, too, he became a part of the Cabinet system, which depends for its very existence on the sympathy of Council and Parliament. Thus, finally, the Secretary of State brought the colonies into touch with the Parliament in a constitutional way.

But at first the position of the Secretary of State was a difficult one. He was primarily the king's servant, and bound

to keep the king's secrets. In the matter of foreign dependencies he was supposed to obey the king's chosen instrument of government, the Council of Trade and Plantations. But, if the king chose, he could withdraw any colonial matter from this Council, which was merely an advisory committee appointed by himself, and direct the Secretary to dispose of it in his office. Thus there arose a dual control in England—the Secretary of State, rapidly passing under the control of Parliament, though still, nominally, a royal official, and the Council of Trade and Plantations, a purely official body. For a long time the division of business wavered, but the creation of a third Secretary of State in the year 1768, with the exclusive control of the colonies, narrowed the functions of the Council of Trade in colonial matters to a minimum. Parliament had now, through the Secretary for the Colonies, a definite hold on colonial business, and the Council of Trade only claimed the right to interfere in special cases. At the close of the American War both the new Secretary of State and the Council of Trade and Plantations were abolished; and the remnant of colonial business was transferred to the Home Secretary[1]. It was some time before Parliament could be brought to realize that, after the loss of America, Great Britain had any colonies at all; and this fact accounts for much of the apathy which marks the early attitude of the Home Government towards Australian affairs. For it was in this very decade, which witnessed the abolition of the Secretary for the Colonies and the Council of Trade, that Captain Phillip's immortal expedition was undertaken. By the end of the century, England had arrived at the conclusion that she still had colonies, and, on the creation of a new third Secretary of State, in the year 1801, he was named Secretary

The first Colonial Office.

[1] But a sort of ghost of the Colonial Office, in a very attenuated condition, appears to have haunted the Home Office during the amalgamation period.

for War and the Colonies. A few years later, the Government plucked up courage to reconstitute the Council of Trade and Plantations, or, as it soon came to be called, the "Board of Trade," and, in due time, Parliament voted its expenses. For by this time it had become quite clear that Parliament, in granting George III an income in return for the surrender of Crown Lands, had acquired the right to control the colonies; and the House of Commons was no longer afraid of Crown authority. The unhappy results of Parliamentary interference in the American question had been patent; but the Quebec Act of 1774 and the Canada Act of 1791 showed that Parliament did not intend to relinquish its hold on the colonies. Australia begins life as a settlement in which the British Parliament has a right (faintly enough exercised at first) to be interested.

Crown Colonies and self-governing Colonies.

When, therefore, we say that, for the first sixty years of its existence, New South Wales was a Crown Colony, we must be understood to refer to the relations between the colony and the mother-country, not to the relations between the Crown and the Imperial Parliament. And it may be as well to state shortly here the meaning of the expression. The title "Crown Colony" is used as a technical phrase to indicate a foreign possession in which the *administration* of public affairs (as distinct from legislation and finance) is in the hands of officials appointed by and accountable directly to the Colonial Office in London. There may be, and are, various modifications of this state of things; but if the Colonial Office appoints, either through the Governor or in the name of the Crown, the actual office-holders in the colony, the latter is said to be a "Crown colony." Where the bulk of such officials are, both in law and in fact, appointed by the independent action of the people of the colony, the latter is said to have "Responsible Government"; and this is so, even though a few of the officials, such

as the military commandant and the staff of the Mint, are actually appointed by the Home authorities.

But although British dependencies thus divide themselves primarily into two great classes of Crown Colonies and colonies with Responsible Government, it by no means follows that all in the former class are in the same stage of political developement. From the despotic government of a military station to the large amount of self-government enjoyed by the Australian colonies on the eve of the introduction of Responsible Government, there is a great distance to travel, and we must now proceed to trace the stages by which it was covered.

First Australian government.

The circumstances in which New South Wales was originally settled rendered it imperative that absolute power within the limits of the colony should be entrusted to the early Governors. The great bulk of the settlers had already forfeited their title to the rights of free Englishmen. It was therefore deemed no hardship that they should be left completely to the discretion of their Governor. The only free settlers were Government officials and soldiers, and it was their duty, in discharging their offices, to obey implicitly the commands of their chief. Over the latter there lay, of course, the hand of the Home Government; and, though the greatness of the distance between Australia and England rendered it difficult for complaints to be heard, it is not certain that this inevitable difficulty operated less harshly on the Governor than on his subjects. It is clear that, during the first half century of Australian history, several Governors were censured, and some practically removed, by the Home Government upon the complaints of settlers; and it is more than doubtful if those complaints were always well-founded.

Military stage.

For the first twenty-five or thirty years of Australian history, then, the form of government was purely military. At first the Governors were usually officers of the Royal Navy, for the semi-maritime character of Sydney and

the other penal settlements[1], and the apprehended danger of an attack by foreign powers from the sea, appeared to render such a course desirable. Somewhat later, the custom of appointing army officers was introduced. Collins, Macquarie, Brisbane, Arthur, Darling, and Bourke were all military men. The civilian Governor is rarely to be met with before the year 1850. The powers, claimed and exercised by the early Governors, of publishing General Orders on their own authority, of interfering substantially with the common-law rights even of freemen, of executing summary punishment upon offenders, and the like, were all military in their character, and were tolerated under the general plea of the practical existence of a state of war between the authorities and the convict settlers. The same military character is also impressed upon the economic arrangements of the early settlers. At first the whole community lived upon Government rations. The Government supplied seed and tools for the farms, and took all the settlers' produce at a fixed price. Often it engaged in farming operations on its own account. Medicine and clothing were dispensed from the Government offices. All the public works were undertaken on the initiative and carried out under the supervision of Government. This state of things lasted at least until Macarthur shewed what could be done by individual enterprise; and there can be little doubt that it has given a powerful impulse to what is now called the State socialism of the colonies. When the colonists took the administration into their own hands, they found a Government machinery capable of being used for all kinds of economic purposes, and a community long accustomed to look to Government for help and direction in economic enterprise. The natural result followed.

In no case, however, does the military character of the early Australian settlements come out more clearly than in the

[1] Hobart, Launceston, Port Macquarie, Port Curteis, and Moreton Bay were all coast settlements.

administration of justice. That the Governor should be the final court of appeal in all cases was, perhaps, inevitable; but the organization of the other tribunals was equally military in character. The first ordinary Court of Justice in Australia was appointed under an Imperial statute of the year 1787, and consisted of a Judge-Advocate and six military or naval assessors from time to time appointed by the Governor. This tribunal was expressly authorized by the Letters Patent which created it, to take notice of any criminal offences against the laws of England, and thus English criminal law was implicitly introduced into Australia; but it was also empowered to proceed without strict regard to the technical rules of English law, and of this permission it availed itself freely, with a result which would hardly be deemed entirely satisfactory by those ardent reformers who desire a similar relaxation in England. There does not appear to have been any express provision in the statute of 1787 for the creation of civil courts; but the Judge-Advocate's commission empowered him to decide in civil cases, and he appears to have acted upon their authority. In the year 1787 a Vice-Admiral's Court was established by Letters Patent, but this was equally military in character. In the year 1795 an Imperial statute empowered the Lieutenant-Governor of Norfolk Island to hold a criminal court on the model of that at Sydney, with only four assessors. For a long time Tasmania had no separate Courts of Justice, for, when the statute of 1787 was passed, Tasmania was believed to be a part of the continent; and the wording of the statute was deemed only to authorize the creation of tribunals on islands adjacent to the eastern coast of Australia, whereas, after Bass's discoveries, it was clear that Tasmania was an island on the southern coast. Cases arising at Hobart and Launceston were accordingly, to the great detriment of justice, summoned for trial at Sydney; though it is difficult to see how this course was less opposed to

Judicial arrangements.

the wording of the statute than the creation of a separate court would have been. But in 1821, on the suggestion of Commissioner Bigge, Judge-Advocate Wyld proceeded personally to Hobart, and held a court there in much the same way as when an English judge goes on circuit.

In the year 1814 a distinct step in advance was taken by the creation of independent courts of civil jurisdiction. These were of two kinds—the "Supreme Court," which held sittings both in New South Wales and Tasmania, and heard all cases involving more than £50, and the "Governor's Courts," one in New South Wales and one in Tasmania, for the trial of less important cases.

Civil Courts.

The Supreme Court was composed of a professional judge, specially appointed by His Majesty, and two magistrates appointed by the Governor. The Court could proceed to business if the judge and one magistrate were present. The first judge of the Supreme Court was Charles Lamb's friend, Barron Field, who arrived at Sydney in the year 1817, and by his high character did much to revive the English respect for the administration of justice. So far as possible, he framed the practice of the Supreme Court on English models; but he had no jury to assist him, and the uncertainty as to the extent to which English law was really binding in Australia was very embarrassing. As a matter of practice, Mr Justice Field used to allow all convicts to give evidence in his court, and he permitted convicts not actually serving a sentence to bring and defend actions; but he strongly opposed Governor Macquarie's proposal to make such a practice positive law. It does not appear that there was an overwhelming amount of business awaiting the arrival of Mr Justice Field; but there was quite enough to make it plain that the Supreme Court supplied a substantial want, and perhaps, if the fees and expenses had been less heavy, there might have been still more

The Supreme Court.

Convict evidence.

work to be done. And there can be no doubt that the Supreme Court must have acted as a powerful factor in the growth of a desire for free institutions, for Mr Justice Field did not hesitate to oppose the Governor's authority if he considered it to be illegally exercised. Thus, though he usually respected the Governor's General Orders, and treated them as part of the existing law, he declined altogether to recognize *ex post facto* legislation; and he more than once gave a decision against the Government in actions brought by the Governor. It is true that, in cases where more than £300 were involved, there lay an appeal from the Supreme Court to the Court of Appeal, which consisted of the Governor and the Judge-Advocate; but this Court would naturally shrink from overruling the judgment of a professional judge, and, as a matter of fact, appeals were rarely brought. There was a further theoretical appeal to the Privy Council when the sum in dispute exceeded £3,000.

The Governor's Courts.

The Governor's Courts established by the Letters Patent of 1814 consisted, in New South Wales, of the Judge-Advocate and two inhabitants appointed by the Governor, and, in Tasmania, of the deputy Judge-Advocate and two inhabitants appointed by the Lieutenant-Governor. Their jurisdiction was limited to cases of the value of £50 and under. In New South Wales the Governor's Court held sittings quarterly, not only at Sydney, but at Parramatta, Liverpool, and Windsor, if there were cases to be tried; and a special monthly sitting was held for the disposal of very small cases. Owing to the illness of the existing Judge-Advocate, the first Governor's Court was not held until 1816, when it found great arrears awaiting it. Though the scale of fees was at first high, it was afterwards reduced, and the Court became very popular, the best proof of this assertion being that suitors who had larger claims would try to split them up into sums below £50, in order to be able to use the Governor's Court.

The weak spots in this judicial system were, obviously, the absence of the jury element, and the dual position of the Judge-Advocate. Whatever may be the defects of trial by jury, it is fairly certain that the ordinary Englishman is not satisfied to see criminal charges tried in any other way; and, in the administration of the criminal law, it is perhaps more important to secure public confidence than to dispense justice with absolute accuracy. With regard to the Judge-Advocate, he occupied, as his name implies, the incompatible offices of judge and advocate. He had to set in motion Crown prosecutions, and, at the same time, to act as judge of their validity. The weakness of his position was made evident in one of the early *causes célèbres* of New South Wales, the prosecution by the Rev. Samuel Marsden of Mr J. J. Campbell, the Colonial Secretary, for an alleged libel published in the *Sydney Gazette*. As the prosecution had (like all criminal prosecutions) to be conducted in the name of the Crown, it was necessary to obtain the consent of the Judge-Advocate to the filing of the information. Rightly or wrongly, Judge-Advocate Wyld gave Mr Marsden's advisers the impression that he was very reluctant to sanction the proceedings; and it can hardly, therefore, have been with unmixed confidence that they realized that at the trial the same Mr Wyld would be the presiding judge. As a matter of fact, the evidence was clear, and Mr Campbell was found guilty; but the weakness of the Judge-Advocate's position was none the less obvious. Shortly after this occurrence, a special Commissioner appointed by the Home Government visited the Australian settlements, and made a special report upon the administration of justice there, with the fortunate result that the two causes of complaint just described were removed. It is, however, right to point out that, from the earliest settlement of Australia, the Governors had exercised the powers conferred upon them by their commissions to appoint

Defects of this scheme.

Justices of the Peace, and these magistrates, besides exercising summary jurisdiction over the convict class, acted to some extent as protectors of the accused in the preliminary steps of proceedings in the higher criminal courts. But the dependence of the Justices of the Peace on the pleasure of the Government, and their general want of professional knowledge, rendered their position unsatisfactory as a bulwark against oppressive proceedings on the part of the officers of the Crown.

The Executive Council.

Another important early institution of the Australian colonies was the Executive Council. From the very first the Governors had been assisted in their public duties by both civil and military officials, appointed and paid by the Home Government. Phillip's staff consisted of a Lieutenant-Governor, a chaplain, a provost-marshal, surgeons, and a Judge-Advocate; a treasurer, a secretary, and a surveyor were soon added, and other officials made their appearance as occasion arose. At first these officials were purely ministerial. Though the Governor, doubtless, consulted them freely upon the matters arising within their own specific departments, they acted simply under his orders, and had no official communication with one another. Legally speaking, no opinion, however strong, as to the mischief likely to be produced by one of the Governor's orders, would have justified an official in disobeying it. The only remedy was an appeal to the Home Government, and even in such a case the rule was strictly laid down by the Colonial Office, that all communications with the Home authorities must pass through the hands of the Governor, although duplicates might, for safety, be sent by private conveyance. The Governor could dismiss any official, but he could only make temporary appointments, the Home Government reserving the right of finally approving or rejecting his choice. At first nearly all the officials were sent direct from England; but, long before 1851, it had become the custom, except in the case of the most

important appointments, to allow the Australian Governors to recommend local applicants, who were confirmed in their offices by the Secretary of State.

Soon after New South Wales had settled down into industrial developement, a more important step was taken. In the commissions appointing the Australian governors, the latter were directed to summon a few of the more important officials as an Executive Council, and to consider their advice collectively given. The Governor was not bound to follow the advice of his Council, he was not even obliged to consult them if he thought the matter required urgency and secrecy. He was still to be entitled to the individual advice of the officials in matters falling within their own departments. But the direction was a step of great importance, for all that. If a Governor thereafter acted on his own responsibility, without consulting his Council, he ran the risk of a sharp rebuke from the Colonial Office for neglecting an obvious precaution. And, by affording the principal officials a constitutional opportunity of discussing together the general affairs of the colony and of tendering independent and collective advice, the institution of the Executive Council gave a powerful impulse to the spread of a wholesome public opinion, which is one of the essential pre-requisites of self-government. The fact that the Council was composed almost, if not quite exclusively, of office-holders, gave it a sense of responsibility and an influence which a mere consultative committee can never possess. The Council is the direct ancestor of the Cabinet of the modern Australian colony, and it is a pity that, owing to a supposed analogy with the English Privy Council, persons who are not actually holding office should have been retained in some (though not in all) of the Australian colonies, as members of the Executive Council. Of course, as in England, non-official councillors do not act, in ordinary circumstances. It is conceivable, however, that in the colonies, where tradition is not so strong as in England, non-

official members might claim to act in a case of overwhelming emergency. If they succeeded in doing so, Cabinet government would be doomed.

The obscurity in which many of the early Australian records still remain renders it difficult to say precisely when the Executive Council was first established in Australia. It is certainly as old as Sir Ralph Darling's period of office (1825–1831), and it may very well have been in existence under Sir Thomas Brisbane. It is probable, however, that in the early days of its history it was not very frequently consulted. Governor Bourke (1831–1837) appears to have only required a formal session on important occasions, and, in ordinary cases, to have recorded his interviews with the officials specially concerned as the Minutes of the Executive Council. At least, this is the impression which the Minutes convey. The Executive Council was in existence from the foundation of the free colonies, such as Western Australia and South Australia. The daughter-colonies, Tasmania, Victoria, and Queensland, developed it at the moment of separation.

The new Supreme Courts.

The enquiry conducted by Commissioner Bigge, during Governor Macquarie's term of office, was productive of great changes in Australian government. These changes were embodied or authorized in an Imperial statute of the year 1823. By the terms of this enactment, the Crown was empowered to create new Supreme Courts, each with a Chief Justice and (if necessary) two other judges, for New South Wales and Tasmania, and this authority was exercised in each colony in the same year by a Charter of Justice and Letters Patent. The new Supreme Courts were to have jurisdiction in all cases, civil and criminal, and even the power of trying offenders for crimes committed in New Zealand[1] and other places in the Pacific; but they were not

[1] New Zealand was not at this time a British possession, but irregular settlements of British subjects existed, and the settlers were practically under no control.

expressly bound to conform to English law, criminal trials were to be conducted by a judge and seven military officers (instead of five as hitherto), and civil actions by a judge and two magistrates appointed from time to time by the Governor. But the officers in criminal trials were to be open to challenge for interest or affection, and the magistrates in civil cases for any cause for which a juror could be challenged in England. Moreover, in civil actions at law, the parties might, if they agreed to this course, have a jury of twelve freeholders, and the Crown might extend the jury system as it saw fit, by Order in Council. Also, there were to be courts of Quarter Sessions both in New South Wales and Tasmania, with the ordinary powers of such courts in England, and, in addition, substantial powers of summary jurisdiction over convicts. And the Governor was empowered to create local courts for the recovery of claims not exceeding £10, to be known as "Courts of Requests," presided over by "Commissioners." On the other hand, the power to appeal from the Supreme Court in ordinary cases was limited to actions involving £500 (instead of £300), unless the judge who tried the case should otherwise order; while the constitution of the Court of Appeals was altered by the substitution of the Chief Justice for the Judge-Advocate, in association with the Governor.

Effect of the changes of 1823.

This Act caused some disappointment by its very conservative attitude with regard to trial by jury; but, in substituting the work of civilian judges for the military jurisdiction of the Judge-Advocate, it marked a great advance, while the substitution of regular courts of Quarter Sessions for the arbitrary tribunals of individual magistrates was an unquestionable boon to the convict class. By an amending statute of the year 1828, English law (statutes, decisions, and traditions), was introduced at one swoop into the colony; and, though the very catastrophic method of this change was productive of considerable

difficulty, it put an end to the previous unsatisfactory state of things, in which the Governor's General Orders could virtually set aside the most cherished maxims of English law. But, before the year 1828, proper provision had been made for local legislation, adapted to the special wants of the Australian colonies.

The Legislative Council.

For the Act of 1823 had not only been concerned with the administration of justice. It had provided for the establishment of a Legislative Council to assist the Governor with its advice in the making of ordinances for the good rule of the colony. The Council was to consist of five, six, or seven members, at the option of the Crown, and these members were all to be appointed by the Colonial Office. The Council itself was to have no initiative in legislation, nor could it, in cases of extreme emergency, even prevent the Governor from legislating in opposition to the views of every one of its members. But, on the other hand, the Governor could not promulgate any Ordinance without first laying it before the Council, and the dissentient members were entitled to record their reasons for dissent on the Minutes of the Council, which would, in due course, come under the scrutiny of the Colonial Office. By a somewhat curious proviso, it was laid down that no Ordinance should even be proposed to the Council unless the Chief Justice had previously certified that its terms were consistent with the laws of England, "so far as the circumstances of the colony will admit." The Chief Justice was therefore the absolute check on any improper legislation by the Governor; but the placing of colonial Ordinances on a recognized footing, and the allowance of free criticism by local councillors, were real steps in the direction of self-government. The Crown of course reserved to itself a final power to disallow colonial legislation.

In due course this scheme was carried into effect in New South Wales by the appointment (in 1825) of seven coun-

cillors, of whom four were Government officials, and three private settlers whose names had been sent to the Secretary of State by Sir Thomas Brisbane. It was obvious that such a Council, with its limited powers, would not at first manifest any extreme opposition to the Government; but, so strong is the instinct of Englishmen for affairs, that, by continually suggesting to the Governor subjects for legislation, and by freely discussing the details of money bills, the Council very soon acquired a substantial position both in legislative and administrative matters. The customs duties had recently been regulated by a statute of the Imperial Parliament, and the Land Fund was still jealously reserved by the Home Government; but as the Council possessed power to levy taxes, and as the Home Government ceased in 1827 to supply money for carrying on the civil (as opposed to the penal) establishment, the control of the general finances passed largely to the Council. Similar machinery was established in Tasmania. This colony, under a special section of the Imperial statute of 1823, had been created a Lieutenant-Governorship, and, very shortly afterwards, an independent Governorship, with a Supreme Court, and Executive and Legislative Councils of its own. The other Australian colonies did not exist in 1823.

In the year 1828 a further developement took place in the machinery of government. An Imperial statute of that year, whilst generally confirming the judicial arrangements of its predecessor, abolished the anomalous Courts of Appeal, and allowed litigants to appeal directly from the Supreme Court to the English Privy Council in important cases. It also provided for the institution of circuit courts, and it authorized the Crown to delegate to the colonial legislatures the power of extending the jury system both in civil and criminal matters. With regard to legislation and administration, it empowered the Crown to increase the Legislative Councils to fifteen members, and it handed

Constitution of 1828.

over to the local legislatures the control and expenditure of the Customs revenue. Moreover, the Governor was no longer to be allowed to override the opinion of a majority of his Council in matters of legislation, nor was the absolute veto of the Chief Justice retained. But, within fourteen days after the passing of any Ordinance, the judges of the Supreme Court might enter a formal protest against its validity, and refuse to enrol it. Still, if the Council upon a review of the Ordinance adhered to its determination, the Ordinance was to be deemed binding until the pleasure of the Home Government should be known.

The statute of 1828 produced considerable changes in the mother-colony of New South Wales, where the enlarged Legislative Council exercised considerable influence, and where the jury system was soon gradually introduced. Whilst the statute was in force the new settlement at Port Phillip was founded (1835) and its government organised under a Superintendent and a staff of officials (1839). Local courts of Quarter Sessions (1838) and of Requests (1839) were established by Proclamation from Sydney; but the Governor of New South Wales retained actual control over the administration at Melbourne. To Tasmania, by that time an independent colony, the provisions of the Act of 1828 applied equally with New South Wales. Western Australia (1829) and South Australia (1834) began life, as we have seen, with nominee Legislative Councils, similar to those existing at Sydney and Hobart.

The Constitution of 1842.

The next great landmark in the history of Australian government is the year 1842. By an Imperial statute of that year the principle of political representation was for the first time introduced into Australia. The Australian colonies had by this time obtained the right to regulate the administration of justice by local enactment; the new statute is, therefore, unlike its predecessors, concerned almost wholly with legislation and administration. It provides for the establishment

in New South Wales of a Legislative Council, not, as before, consisting wholly of members appointed by the Crown, but of thirty-six members, of whom twelve are to be appointed by the Crown, and twenty-four to be elected by the colonists. The nominee members may hold their seats for five years, except that, if they have been appointed as holders of specified offices, they are to forfeit their seats when they cease to hold their offices. But not more than half the nominated members are to be officials. The elected members are to be qualified by the ownership of freeholds to the value of £100 a year, and they are to be elected by persons who are either freeholders to the value of £200 capital, or are householders occupying premises worth £20 a year. The Legislative Council is to sit at least once a year, and not to continue without a general election for more than five years; nominee members are to vacate their seats upon a dissolution. There are to be at least six elective members allotted to the Port Phillip District (Victoria).

The Council thus constituted is to have power to legislate for the colony in any manner "not repugnant to the laws of England," and is to have entire control over the colonial revenue (except the Land Fund), subject to a fixed annual reservation of £81,600, to be expended by the Governor in maintaining the civil establishment, and in subsidizing public worship. To shew that the Council is to have the real initiative in matters of legislation, the statute empowers it to appoint a Speaker, subject to the Governor's disallowance; but the Governor, though he cannot pass measures without the consent of the Council, may insist on his proposals being discussed, and he may refuse or withhold for the approval of the Home Government any measures tendered to him for the Royal assent.

Before leaving the Constitution Act of 1842, it must be mentioned that the statute contained an elaborate scheme for the introduction of local govern- Local Government.

ment into the rural parts of New South Wales, by the establishment of elective District Councils, with considerable powers of local administration and legislation. The scheme was well-intentioned, but it shewed an absolute ignorance of the circumstances of the colony, and was a complete failure. Under the provisions of the scheme the District Councils were to be liable for half the expenses of the police force maintained within their districts. At the same time, they were not given the control of the police force. Quite naturally, the rural districts shewed great reluctance to be incorporated, and, in spite of the honest efforts of Governor Gipps, the whole plan resulted in a *fiasco*. Ten years later, more modest beginnings were made in South Australia, Tasmania, and Victoria, where a scheme of road-making has gradually developed, on thoroughly sound lines, into a general system of rural self-government. Considerably later a scheme for rural municipalities was adopted in New South Wales; but the mother-colony seems never to have entirely recovered from the prejudice created against local government by the abortive attempt of 1842.

Criticism of the Constitution of 1842.

So far as central government is concerned, the scheme of 1842 may be said to have been a success, at least in its main principles. The idea was, evidently, to get as near the English bi-cameral plan as possible, by including two distinct classes of members in one chamber. By allowing the Legislative Council itself to modify (under limitations) both its own constitution and the franchise of its electors, the Home Government gave free play to the growing democratic spirit of the colony. The fact that the elective members always outnumbered the nominees by two to one, rendered it impossible for the latter to carry a measure in the teeth of an united public opinion, or to prevent the passing of a measure which the general sentiment of the community demanded. The disappearance of the Governor from

the ordinary meetings of the Council, and of the Government monopoly of initiation, left the Council an opportunity to shape the policy of the colony, and threw upon the Governor the whole *onus* of refusing the Royal assent to a Bill carried in the Council. From the colonists' point of view, the weak point of the scheme was not so much the nominee members, as the position of the Government officials. By the terms of the Constitution Act not more than half the nominee seats might be held by officials; but even this limitation always left six seats, which might be filled by persons pledged to support, under all circumstances, the Governor's administration, and whose conduct could never be subjected to the effective criticism of popular election. The emphatic refusal of the Home Government, in 1845, to permit its salaried officials to accept elective seats in the Council, put an end to an attempt to establish in a modified form the system of "responsible government" under the Act of 1842, and left the colonial Government much in the position of that of the German Empire, whose members may be criticised and condemned, but not ejected from office, by the popular assembly. It was, in fact, on this principle, and on the reserves for the Civil List, that the Home Government relied for the continuance of effective control in matters of administration.

Although this result, when the significance of it finally dawned upon the consciousness of the colony, provoked strong criticism, it by no means follows that it was a bad result. It gave the politicians of the colony a schooling in a modified form of representative government, without throwing upon them the full responsibilities of the Cabinet system. The fight over the Land Sales Act, described elsewhere (pp. 69—71), is an eloquent indication of what would have happened had the colonists controlled the administration from 1842 to 1855. By the modified constitution of 1842, the Land question was placed beyond their reach; and there can be no manner of

doubt that any other scheme would have been disastrous to the future fortunes of the colony. But perhaps the best tribute to the success of the constitution of 1842 is the fact that it was extended, in the year 1850, to the younger colonies of Tasmania and South Australia, which had hitherto retained the purely nominee system, and to the newly-created colony of Victoria, which, as the Port Phillip District of New South Wales, had been partly under the operation of the scheme of 1842.

Act of 1850.

Thus the Act for the better Government of Her Majesty's Australian Colonies, passed in the year 1850, which closes the period at present under review, practically put the three colonies of South Australia, Tasmania, and Victoria on the political footing hitherto occupied by New South Wales alone. It also contemplated the establishment of Western Australia, at some future date, on a similar basis; but the required conditions were not fulfilled by that colony till the year 1870. The statute of 1850 recognizes the broadening of the electoral franchise which had been achieved in New South Wales under the permission accorded in 1842. It hands over the imposition and expenditure of the Customs revenue wholly to the colonial Governments, with the simple reservations that no differential duties may be charged, and that no customs may be levied on stores imported for the use of English troops, nor in defiance of treaty obligations. It also provides for the establishment of a Supreme Court in the new colony of Victoria, in the place of the District Branch of the Supreme Court of New South Wales which had hitherto done duty at Melbourne. In other respects the scheme of 1842 is applied with little variation. Certain elaborate administrative arrangements were attempted by the Colonial Office, with a view of creating a supremacy in the Governor of New South Wales over the other Australian Governors. He was given the title of "Governor-General," and made

Governor of each of the four colonies of New South Wales, Victoria, Tasmania, and South Australia, the actual administrators of the three latter colonies being nominally reduced to the position of Lieutenant-Governors. The Lieutenant-Governors, although communicating directly with the Colonial Office, were directed also to communicate with the Governor-General, and, no doubt, the Colonial Office hoped by this scheme to pave the way for the future introduction of that federal bond between the colonies which the legislators of 1850 expressly refused to create. But the attempt was altogether a failure. On the retirement of Sir Charles Fitzroy from the Governor-Generalship in 1855, the full title of Governor was conferred on the rulers of the other colonies; and though the titular distinction of "Governor-General" was retained by the Governors at Sydney till the year 1861, the title carried no real power. Perhaps its most practical result was to cause the jealous Victorians of 1853 to vote their Governor £2,000 a year more of salary than his nominal superior at Sydney. The real effect of the statute of 1850, which came into actual operation in the succeeding year, was to create, not a federal group with a permanent leadership in the mother-colony, but a body of four entirely independent colonies, equal in political status, but steadily bent on an honourable rivalry in wealth and political importance. Many changes have since taken place, but, in the main, this is still the position occupied by the Australian colonies towards one another. The present is, therefore, a convenient opportunity for breaking off the thread of Australian story, to turn to the fortunes of the neighbouring settlements in New Zealand.

CHAPTER VIII.

THE FOUNDING OF NEW ZEALAND.

It is difficult to know whether to write of New Zealand as a colony or as a continent comprising several colonies. On the one hand, it has never been without a political unity. Ever since the proclamation of the Queen's sovereignty, there has been one Governor to whom all authorities in the island were subordinate; whereas, as we have seen, the Australian colonies are, legally speaking, quite independent of one another. And, in enumerating the Australasian colonies, it has long been the custom to reckon New Zealand, along with New South Wales, Victoria, Queensland, and the other members of the Australian group, as a single community. On the other hand, when the history of New Zealand comes to be examined, it is found to be the history, not of a single homogeneous body, but of a group of more or less connected bodies, each, for a time at least, enjoying a large share of independence. This fact must always be borne in mind in thinking of New Zealand.

Casual settlers.

The reports of Cook's companions, and the foundation of the Australian settlements, combined to bring the islands of New Zealand into notice at the beginning of the present century. Long before any step was taken by Government towards recognizing the existence

of English claims, a casual, and, for the most part, disreputable settlement of Europeans had taken place, principally on the shores of the Bay of Islands, on the north-east coast of the North Island. Here lived, in half-piratical, half-patriarchal fashion, crews of shipwrecked sailors, whale and seal fishers, escaped convicts from Australia, and others of Ishmaelite character. Though the native Maoris were fierce cannibals, they were a race of singular generosity and amiability. So long as their prejudices were not offended, they welcomed the white man or "Pakeha" (as they called him), and many of them entered into close relationships with the European settlers. Occasionally a white man went completely over to the Maori civilization—for a civilization it unquestionably was—was adopted by a Maori chief, and lived the life of his hospitable entertainers. Such a person received the title of "Pakeha Maori," i.e. one who is both a white man and a Maori. Usually the Pakeha Maori was a man of bad character, who caused endless trouble by introducing European vices amongst his entertainers, and stirring them up to war against those of the white settlers who retained their own civilization. But occasionally an honourable specimen was found, and his knowledge and influence were, of course, invaluable in later times. The more legitimate occupations of the early settlers were the cultivation of native flax and the trade in firearms with the Maoris, an intensely warlike race, who eagerly coveted these superior weapons.

Strange tales of bloodshed and cruelty began to float across the seas from New Zealand. Disputes between the white settlers and the Maoris led to a ruthless feud between the races. One of the most frequent causes of these disputes was the question of land purchase; and as this cause has always been one of the prime factors in New Zealand history, it will be well to explain it at once in a few words.

Rumours of trouble.

Maori Land Laws.

At the beginning of the present century, the Maoris occupied a stage in civilization somewhere between that of the Australian aborigines and the inhabitants of Western Europe at the close of the middle ages. They had emerged from the nomadic stage occupied by the Australians, in which territorial rights were almost unknown, and the land was thought little of because it was put to little use. It had been comparatively easy for the English Crown to maintain the calm assumption that the whole of the soil of Australia was vested in it. It was impossible to establish such a claim in New Zealand. Although private ownership of land was unrecognized, tribal ownership was clearly defined. When English settlement in New Zealand began, the whole of the North Island at least (and much of the Middle Island) was definitely parcelled out amongst the Maori tribes; and the attachment of the tribe to its land was intense and indelible. Not only was the tribe attached to its land by material interests, by its "pahs" and villages, its skilfully cultivated fields, and its rights of fishing and hunting; but also by the tenderest ties of religion and sentiment. The shrines of his gods, the burial places of his ancestors, the scenes of his adventures by flood and field, each hill and stream celebrated in legend and poetry, were to the Maori a sacred tie. Even forcible expulsion by a hostile tribe did not bar his right. Not until the whole tribe had solemnly renounced all intention to return to the home of its fathers, was the title of the invader secure. The failure to grasp this fact was a frequent source of trouble in later days.

But, although the ownership of this tribe was indelible, the right of the individual was only temporary. Every member of a tribe was entitled to settle upon and cultivate some part of the tribal land; no member could sell an inch of it (least of all to a foreigner) without the consent of his tribe. An unworthy Maori might be tempted to make a sale to a Pakeha trader,

but, while the Englishman hugged himself on his "conveyance" of thousands of acres, obtained for a few muskets and beads, the seller's tribe scoffed at the notion of being bound by such a transaction. It was to them just what the attempt of an undergraduate to sell his rooms in a college would be to us. Even the chief of a tribe could not sell without his tribesmen's full consent. His "mana," or jurisdiction, covered the tribal territory; but the Maori distinguished between sovereignty and ownership as clearly as an English lawyer could do. He was far more than a match for the ignorant settler in subtlety and logical power, and, doubtless, the disappointment with which the early colonists realized that the Maori chiefs could not be disposed of like children, had much to do with their attitude towards the native race.

The rumours before alluded to stirred up the desire of earnest spirits in Australia and England for missionary effort. Foremost amongst these was the Rev. Samuel Marsden, colonial chaplain at Parramatta, New South Wales, the hero of the libel case alluded to in the last chapter, who, in the year 1814, fitted out a brig, *The Active*, in which he came to New Zealand, accompanied by two missionaries, and founded a mission station. The Church Missionary Society of England and other religious bodies followed his example, and thus the first reputable European element was introduced. The success of the missionaries was remarkable. The Maoris are intensely religious and affectionate, and the influence of the missionaries soon became very great. Indeed it seemed at one time that New Zealand would develope on much the same lines as Prussia in the thirteenth century, as an agricultural community guided and governed by religious enthusiasts of an alien race. But the presence of the Pakeha rendered such a result impossible, and the secular arm had to be called in. Governor Macquarie, of New South Wales, had been urged by Marsden to put a stop

The missionaries.

to the outrages of the white settlers, and, in the year 1814, he actually appointed magistrates to reside in New Zealand, although, as a matter of fact, his commission as Governor did not then include the Maori islands. In the year 1817 a more decisive step was taken. By an Imperial statute of that year, all offences committed by persons forming part of the crew or passengers of any British ship, in any territory not belonging to an European power or to the United States of America, may be tried and punished in any colonial court having Admiralty jurisdiction, just as though such offences had been committed at sea. This statute, in which New Zealand was expressly named, gave the Governor of New South Wales power to deal promptly with offences committed in New Zealand by the Pakehas, who had, most of them, arrived in British ships. But it set up no local jurisdiction, nor did it profess in any way to deal with the Maoris directly. In fact, the statute is careful to disclaim any attempt to set up British sovereignty in New Zealand. Its provisions were repeated in the Act of 1823, which created a Legislative Council in New South Wales, and jurisdiction over offences committed in New Zealand was thereby conferred upon the Supreme Courts of New South Wales and Tasmania. But it should be noted that the Act of 1823 expressly limits jurisdiction over the settlers (as distinct from persons acting as part of a ship's crew) to *British subjects*, and this limitation had its meaning.

Thierry and the French.

For, in the year in which the statute was passed, a curious Frenchman, who styled himself Baron de Thierry, proposed to buy from the natives a block of land at Hokianga, on the west coast of the North Island, nearly opposite to the Bay of Islands on the eastern shore. Like Batman and his friends at the founding of Port Phillip, some dozen years later, he appears to have thought that he could set up an independent "sovereignty,"

at the same time obtaining the advantages of British protection. But the Colonial Office thought otherwise, and expressly disclaimed all political connection with New Zealand. Thierry then turned to France, and, though at first received with derision, he appears finally to have made some impression. There is little doubt that the French Government was, in 1824, less indifferent than the English to the advantages of New Zealand; and, though Thierry was too contemptible an agent to be recognised, a possible French colonization of New Zealand was not lost sight of. About fifteen years later, two French companies, the "Nanto-Bordelaise," and the "Compagnie Française de la Nouvelle Zélande," were formed to promote this object, the basis of settlement being an alleged purchase of land at Akaroa, near Christchurch, in the Middle Island, by one Langlois, a French whaler. Though the expedition was unsuccessful in claiming the sovereignty of the Akaroa Peninsula, it effected a settlement, of which there are traces to this day; and its land claims were ultimately bought up by the New Zealand Company.

In the meantime, however, many things had happened. As the result, probably, of Thierry's attempts, a colonization society, under the patronage of Lord Durham, was formed in England in the year 1825, and, in the following year, some of the society's emigrants, under Captain Herd, reached New Zealand, where they proposed to purchase lands in the north. They did, in fact, make a few purchases, which were ultimately bought up by the New Zealand Company of 1839; but very few of them remained to settle.

Lord Durham's Association.

The real beginning of English rule in New Zealand occurs in the year 1833, when Mr James Busby, an official appointed by the Colonial Office in London, arrived in the capacity of Resident Magistrate at the Bay of Islands. As the British Government still declined to

Busby.

recognize in New Zealand a dependency of the Crown, Busby's position was anomalous; and he was frankly informed by Lord Goderich, the Secretary of State, and by Governor Bourke, his immediate superior, that he had very little legal power. But it was understood that he was to do his best to put a stop to the scandalous outrages, both by Europeans and Maoris, which were exciting indignation in England. Aided by the presence of H.M.S. *Alligator*, whose captain, however, did more harm than good by an ill-considered revenge taken for the detention of a shipwrecked crew at Taranaki, Busby succeeded in maintaining a semblance of order. He was cordially supported by the missionaries, without whose knowledge and influence he could have done nothing. He just managed to keep the British name in evidence till the arrival of the New Zealand Company's immigrants in 1839.

The New Zealand Company.

For, despite the ill success of Herd's attempt in 1826, the idea of New Zealand colonization was steadily growing in the English mind. From the year 1835 to the year 1847 there are traces of an English Association which attempted a settlement on the west coast of the North Island, about the Manukau river, on land alleged to have been purchased from the Maoris before the Proclamation of 1839 (to be hereafter alluded to). In the year 1837, Edward Gibbon Wakefield and his family, whose names are so conspicuous in New Zealand history, threw themselves heartily into the project; and, though their first attempt was a failure, the New Zealand Company was successfully floated in the year 1839 for the colonization of New Zealand, and a supplementary Association soon after, to further the objects of the principal society. Though the company did not obtain its Charter until 1841, it immediately sent out settlers in the ship *Tory*, and alleged itself to have purchased large tracts of lands from the Maoris in the neighbourhood of Cook's Strait, both at Petone in the Hutt valley (where the first settlement was

made), and at Te Aro (later known as Wellington) on the western shores of Port Nicholson.

But the activity of the company's settlers had at last roused the Government to decided action. The authorities of New South Wales had a reasonable fear that, if a private company were allowed to deal directly with the Maoris, it might afterwards prove difficult to bring the settlers under Government authority. Accordingly, in the year 1839, Governor Gipps' Commission was altered so as to include New Zealand, and he at once proclaimed the latter territory as within his jurisdiction. Shortly afterwards he announced that the Crown had appointed Captain Hobson, a naval officer long familiar with Australasian waters, to be Lieutenant-Governor of the new colony. At the same time, Governor Gipps shewed his appreciation of the situation by also proclaiming that Her Majesty's Government would not recognize any claim to land bought from the Maoris without the sanction of the Crown. Lieutenant-Governor Hobson arrived in New Zealand in January, 1840, and found at once that he had entered upon a position of no ordinary difficulty.

The Government plans.

To begin with, although Great Britain had, by the Proclamation of the previous year, practically assumed sovereignty over New Zealand, it was obvious that the Maoris must either be forcibly conquered, or won over to acknowledge British claims. They were *de facto* in possession; they could not possibly be ignored. To have effected a forcible conquest would probably have been beyond the power of any forces which the British Government were likely to spare for such a purpose. But the iniquity of such a plan would have been greater than its difficulty. It was necessary to use persuasion.

Governor Hobson.

In this task Governor Hobson succeeded beyond his hopes. Thanks to the efforts and influence of the English missionaries, thanks also to the

Treaty of Waitangi.

chivalrous and trustful character of the Maoris, the Governor succeeded almost immediately in procuring the recognition of the Queen's sovereignty over a large part of the North Island. One effect of the irregular occupation by Europeans which had prevailed in the previous few years had been to unite several formerly independent and isolated Maori tribes into a sort of loose confederation, which produced some semblance of a Maori nation. On the 6th February, 1840, the heads of this confederation, together with many chiefs of independent tribes, signed a document known as the Treaty of Waitangi, by which they ceded to Her Majesty all the "rights and powers of sovereignty" which they exercised or possessed, or might be supposed to exercise or possess, in New Zealand. In return for this surrender, Her Majesty guaranteed "to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof" all their possessory and proprietary rights in their "lands, estates, forests and fisheries," with the proviso that, if the proprietors of any lands were disposed to alienate them, Her Majesty should have the exclusive right of pre-emption at prices to be agreed upon. And Her Majesty extended "to the natives of New Zealand" her protection, "and all the rights and privileges of British subjects."

This treaty was signed by the Lieutenant-Governor on behalf of the Crown, and by forty-six principal Maori chiefs, in the presence of about 500 inferior chiefs. Many other signatures were afterwards obtained, and, on the 21st May, 1840, Hobson felt justified in proclaiming the sovereignty of the Queen over the whole of the islands of New Zealand. The British title to the North Island he expressly placed upon the basis of the Treaty of Waitangi; as to the other islands, he gave no reasons. His proceedings were hurried by the rival claims of the New Zealand Company (to be hereafter noticed); and his official superior, Governor Gipps, deemed

it imperative to anticipate the company's demands. There was some pretext for claiming the Middle Island—not by "discovery" (as Gipps put it), for discovery confers no title—but by occupation, for there were very few Maoris in the Middle Island; and, as a matter of fact, very little trouble ever arose with regard to Maori rights there. The proprietary rights of the few tribes which claimed a settlement in the Middle Island were bought up in the year 1848.

A word must here be said as to the Waitangi treaty, for it is the corner-stone of New Zealand history. The document, as it stands, is perfectly clear; its meaning is unmistakeable. The Maoris cede their political, but reserve their proprietary rights. Moreover, they bind themselves to give the Queen's Government the first right to purchase all the land which they may choose to sell. Now, had the Maoris themselves afterwards protested that they did not understand the meaning of the document, such a protest must have received careful attention; for the treaty was drawn up by British officials, and put forward by duly accredited British representatives, while the Maoris merely did what they were asked to do. But, as a matter of fact, the Maoris—at least all those of any importance—always clung to the Treaty of Waitangi as their sheet-anchor. They proved beyond a suspicion of doubt that they fully realized the distinction between sovereignty and property; to use their own emphatic expression, they had "given up the shadow and retained the substance." It was the actual proposers of the bargain, the British Government and the settlers whom it represented, who strove afterwards to upset the Treaty of Waitangi. Disgusted, apparently, to find that the Maoris were not the ignorant and easily gullible savages they had hoped to find, the European settlers were constantly urging their Government to regard the "so-called Treaty of Waitangi" as a mere plaything devised for the amusement of grown-up

Position of the Treaty.

children. In effect, they contended either (1) that the Maori titles must be construed according to English land law—a grotesque interpretation of a perfectly intelligible sentence, or (2) that the Maoris must be compelled to give up those very rights which the treaty expressly guaranteed to them, of selling their land when they pleased and only when they pleased—which would have been sheer stealing. It may well be that a person who has been tricked into a disadvantageous bargain has a moral claim to relief; but to pretend that the Maori chiefs tricked the British Government into the bargain of 1840, or even that the bargain was not, at that time, distinctly favourable to British interests, is palpably absurd.

The Company's settlers.

Hobson's next care was to deal with the settlers at Port Nicholson. They claimed to have purchased large tracts of land from the Maoris at Petone and Te Aro (afterwards Wellington) before hearing of Gipps' proclamation on the subject of lands. The Petone purchase appears to have been undisputed by the Maoris, but the purchase at Te Aro was long the source of trouble. The Port Nicholson settlers, aided by the powerful friends of their company at home, began to make trouble for the Governor, and soon demonstrated the folly of the Home Government in allowing New Zealand to begin under dual control. They actually began to organize an independent government, in defiance of the officials in the north; but their political efforts were promptly put down. In August of 1840 Governor Gipps, in spite of strong opposition, passed through the Legislative Council at Sydney a colonial Act setting aside all titles in New Zealand acquired from the Maoris, and appointing Commissioners to enquire into the circumstances of alleged purchases. This Act was ultimately disallowed by the Home Government, not because its policy was disapproved of by the Colonial Office, but because the intended separation of New Zealand from New South Wales rendered it unwise

that the latter colony should seem to legislate for the former. It was, however, regarded as in operation for a few months in New Zealand, and although, under great pressure, Gipps consented to recognize the purchase by the New Zealand Company of 110,000 acres at Port Nicholson, he emphatically refused to sanction purchases alleged to have been made by the Wakefields elsewhere. In September of 1840, Lieutenant-Governor Hobson negotiated with the Maoris the purchase of land at Waitemata, on the narrow neck between the Manukau Harbour and the Kauraki Gulf. Here he founded a town, to which he gave the name of Auckland, and hither he transferred the seat of government from the Bay of Islands. The site of Auckland was in some respects admirable for its original purpose, for it afforded easy access by sea to both the east and the west coasts of the North Island, while it commanded the land approaches from the south to the early settlements about the Bay of Islands and Hokianga. But, as settlement pushed further south, it was found to be too far from the geographical centre of New Zealand; and ultimately, in the year 1865, the seat of government was again removed to Wellington, which had exchanged its native name of Te Aro for the title which it at present bears, just about the time that Auckland was founded.

Separation of New Zealand.

In August, 1840, the Imperial Parliament passed the statute which gave separate existence as a British colony to New Zealand. It was an Act for the ostensible purpose of continuing the existing political arrangements in New South Wales and Tasmania; but, incidentally, it empowered Her Majesty to separate from the former colony any islands which might then or at any future time be dependent upon it. The proceeding was a little disingenuous. By a mere administrative direction, New Zealand had, in the previous year, been included in the jurisdiction of New South Wales. Now Parliament was asked

formally to sanction the severance of the tie, and, thereby, implicitly to admit that its creation had been regular.

In pursuance of the statute, Letters Patent, dated 16th November, 1840, constituted the islands of New Zealand a separate colony, and changed Hobson's title to that of Governor. During the passage of the measure through the House of Lords, the Earl of Ripon had made the rather startling suggestion that Her Majesty had power to grant constitutions to new colonies without Parliamentary authority; but the Government preferred to take express powers in the Act. The Letters Patent now accordingly created a Legislative Council, consisting of the Governor and at least six other persons to be named or designated by the Colonial Office; and accompanying Instructions (5 Dec. 1840) designated the Colonial Secretary, the Attorney-General, the Treasurer, and the three senior Justices of the Peace in the colony, as members of the first Legislative Council. But no matter was to be discussed by the Council unless proposed by the Governor, and no enactment, except for the purpose of raising annual supplies, or in case of emergency, was to operate without the express sanction of the Colonial Office. It will be seen, then, that the first Legislature of New Zealand was even more limited in its powers than the first Legislature of New South Wales.

The Letters Patent and Instructions of 1840 also created an Executive Council, consisting of the three officials before alluded to, and directed the Governor, with the advice and consent of his Executive Council, to proceed to map out the colony into counties, hundreds, and parishes, on the English model, and, after making due reserves for native purposes, to sell Crown lands at a uniform price, with a limit of one square mile to any purchaser. There was also the same mischievous provision which caused so much trouble in Australia, to the effect that intending emigrants might pay their purchase money in England, and select on arrival in the colony the number of

acres specified in their land certificate. For some unexplained reason the Letters Patent changed the titles of the North, Middle, and Stewart's Island into "New Ulster," "New Munster," and "New Leinster" respectively.

New Zealand affairs now began to develope rapidly. Three months after the issue of Hobson's commission as Governor, the New Zealand Company received its first Charter (12th Feb. 1841). The company was incorporated for the purpose of "purchasing and acquiring, settling, improving, cultivating, letting, selling, granting, alienating, mortgaging, charging or otherwise dealing with and making a profit of lands, tenements, and hereditaments in our said colony." Its capital was to be £300,000 in £25 shares, of which two-thirds were to be paid up within twelve months, on pain of forfeiture of its charter. The company's affairs were to be managed by a Court of Proprietors, voting in proportion to the number of shares held by its members, and a Court of Directors elected by the proprietors; but the directors were entitled to appoint agents and local boards in the colony. The Company was to receive from the Crown a free grant of one acre of land for every five shillings proved to have been expended by it in colonization.

Constitution of the New Zealand Company.

It has been necessary to give so much detail of the constitution of the New Zealand Company, inasmuch as its pretensions, and the difficulties arising out of them, form the staple of New Zealand history for the next ten years. It was beyond all question a company established on a purely commercial basis, and, whatever the aims and hopes of some of its promoters, it could claim to be treated neither as an independent authority nor as a philanthropic association.

The arrival of Governor Hobson's Commission and Instructions in the colony produced prompt action. In May, 1841, the new status of the colony was formally proclaimed, and an Executive and a

Organization of the colony.

Legislative Council were called into existence in accordance with the terms of the Letters Patent and Commission. The Legislative Council at once held a session, and, on the 9th June, passed a Crown Lands Ordinance on the lines of the New South Wales project of Governor Gipps. A Commission was to be appointed to investigate claims, and no titles were to be allowed until approved by the Government. But the Government, on the recommendation of the Commissioners, might approve purchases previously made from the Maoris, and, in such a case, the title of the purchaser was to date from the original purchase. There lay the weak spot of the Ordinance; it offered a strong temptation to speculators to cajole or coerce Maori occupants into sales, hoping for ultimate confirmation from the Crown.

In other respects Government was not idle. Quarter Sessions, to be held at Auckland, Wellington, and Russell, were proclaimed; Petty Sessions at times and places appointed by the Governor. Courts of Requests (replaced in the following year (1842) by County Courts) were established for the recovery of small civil debts. In November, 1841, Auckland was formally proclaimed the capital of the colony, and the arrival of a Chief Justice (Martin) and an Attorney-General (Swainson), about the same time, prepared the way for further developements. As the first act of the session of 1842, a Supreme Court was established by colonial ordinance, with a provision for the trial of all questions of fact by a jury. Five years later, the Governor and Executive Council were constituted a Court of Appeals from the decisions of the Supreme Court on questions of law.

Activity of the Company.

Meanwhile, the work of colonization proceeded actively under the auspices of the New Zealand Company. The settlement at Auckland enjoyed all the *prestige* of a seat of Government, and all the safety ensured by the presence of British troops. But no one

was specially concerned in developing its material resources. The New Zealand Company's agents, on the other hand, were all energy. At the close of the year 1840, an association had been formed at Plymouth, in England, for the purpose of effecting a separate settlement in New Zealand; but the New Zealand Company promptly bought it up, and attempted to settle its colonists upon land which they claimed by purchase from the natives at Taranaki (then named New Plymouth) and Wanganui, on the west coast of the North Island. Very shortly afterwards, the same company established the first settlement in the Middle Island, at Blind Bay, to which they gave the name of Nelson. These settlements were effected in direct defiance of the principle that negotiation with the Maoris for land should only proceed through the Crown, and the Taranaki and Wanganui purchases, at any rate, were productive of infinite trouble and danger. Nevertheless, the pressure put upon Government by the Company was so great, that the Governor, in September, 1841, still further relaxed in its favour the Crown's right of pre-emption, and increased the allowance of 110,000 acres, made by Governor Gipps, to nearly double that amount, including land at Wellington, Taranaki, and Wanganui. The easy terms upon which the company obtained its lands naturally operated unfavourably upon the Government settlers at the Bay of Islands, who could not hope to compete with the attractions which it offered. Accordingly, although the Governor endeavoured, by judicious division of the Crown lands into small lots, and by the establishment of a Land Registry and other improvements in title, to prevent further distribution of the population amongst the company's settlements, he found his efforts unavailing. As a last resource, he passed an Ordinance reducing the price of Crown lands to that at which the company obtained its grants in England, viz. five shillings an acre; but the Ordinance was promptly disallowed by the Home Government, and, in November, 1842,

the proclamation of the Australian Crown Land Sales Act put a stop (in theory) to any further disposal of Crown lands at less than £1 an acre. But Governor Hobson did not live to make this proclamation. After an heroic struggle to perform his most difficult task in the face of overwhelming physical weakness, the first Governor of New Zealand died at his post in September, 1842.

Governor Shortland.

Governor Hobson's death placed the temporary administration of New Zealand in the hands of the Colonial Secretary, Lieutenant Shortland; and he, naturally, desired so far as possible to keep things *in statu quo* until the arrival of a new Governor. But matters were in a stage too acute to permit of inaction, and Shortland soon found himself in a most difficult position. Notwithstanding that the Crown Land Commissioner appointed under the ordinance of 1841 had not certified in favour of the purchase, Captain Wakefield, the New Zealand Company's agent at Nelson, insisted on proceeding with the survey of some land which he professed to have bought from the Maoris on the banks of the river Wairau. The proceeding was excessively dangerous, for the Wairau is a river of the Middle Island which debouches in Cloudy Bay, several hundred miles from the then seat of government at Auckland. Two Maori chiefs, Rauparaha and Rangihaeta, asserted that the land in question never had been and never would be sold by the Maoris; and, by way of protest against the survey, burnt down a surveyor's hut, first carefully removing the contents from it. If the contention of the chiefs was sound, they had done no more than they were strictly entitled to do. Till they were proved to be wrong in their assertion of title to the land, they could not, with any justice, be treated as criminals. They had shed no blood, and effected no wanton destruction of property.

The Wairau.

Most unadvisedly, Mr Thompson, the police magistrate at

Nelson, issued a warrant for the apprehension of the chiefs, and himself proceeded with Captain Wakefield and a body of forty settlers (most of them armed) to execute it. The chiefs were soon discovered, but they declined to surrender. While the parley was proceeding, a shot, fired by one of the English party, struck a Maori woman—the wife of one of the chiefs and the daughter of the other. In after days it was urged, and possibly with truth, that the shot was accidental. But it could hardly be expected that brave men, whose passions had already been aroused, would stop to weigh such an improbable alternative in the exciting circumstances of the moment. The fact seems indisputable, that the first shot came from the English. The Maoris then poured a volley into the arresting party. Nineteen white men, including Wakefield, were killed; the Maoris only lost four of their number.

This incident sent a thrill through the whole islands, and profoundly stirred the minds of Maori and white man. A little further indiscretion, and a war of races would have ensued, which could only have resulted in the massacre or the expulsion of every European settler. Happily, the Acting Governor was firm. Every investigation which he made led him more firmly to the conclusion that the white men had been the aggressors. Whilst he expressed sympathy with the relatives of the slain settlers, and took steps to protect the southern settlements from danger by the despatch of troops under Major Richmond to Wellington, he firmly declined to attempt any vengeance against Rauparaha and Rangihaeta. He was supported in his opinion by the Chief Justice, the Attorney-General, and by Mr Spain, the special Crown Land Commissioner sent out by the Imperial Government. Rauparaha willingly met the latter, and explained his position. The Maoris were once more assured that the Treaty of Waitangi would be respected, and that no claims to lands by white settlers would be allowed till they had been thoroughly investigated by a Crown Com-

missioner. To the assertion of Colonel Wakefield, the New Zealand Company's agent at Wellington, that the company's title to the land on which his brother was slain "had not been proved to be invalid," the Acting Governor forcibly replied that Colonel Wakefield totally mistook the situation. The question was, not whether the company's title had been proved to be invalid, but whether a claim which was, *primâ facie*, in positive defiance of treaty rights, a colonial ordinance, and an Imperial proclamation, had been proved, as the result of exceptional circumstances, to be capable of support.

Governor Fitzroy.

Unhappily, Lieutenant Shortland's successor, Captain Fitzroy, who arrived in the colony at the close of the year 1843, was much less resolute. Though he held an enquiry at Waikanae concerning the Wairau incident, and formally announced to the Maori chiefs his intention not to take further proceedings to avenge the deaths of the white men, he was prevailed upon to tamper with the sound rule which prohibited direct purchases of land from the Maoris. In March, 1844, he published what was long known as the "ten shilling an acre proclamation," sanctioning direct purchases from the natives, subject to approval by the Government and payment to the latter of ten shillings an acre by the purchaser. In October of the same year he waived the ten shilling fee, substituting a nominal payment of one penny an acre in acknowledgement of the Crown's rights. This last announcement, known as the "penny an acre proclamation" was a clear evasion of the Land Sales Act of 1842, and gave rise to infinite trouble. Alleged purchasers of land started up on all sides. The New Zealand Company's Report of 1844, whilst admitting that only some 230,000 acres had been disposed of to settlers, claimed the ownership of nearly four times that amount. An extensive claim at Wairarapa, near Wellington, and another on the Waitara, in Taranaki, led to further agitation among the Maoris, and in the troubles

which ensued Governor Fitzroy was recalled. He was succeeded by a man whose period of office had just proved epoch-making in the history of South Australia, and whose reign in New Zealand was to be equally important in the history of that colony. Captain George Grey arrived in New Zealand in November, 1845, and at once took up the reins of government.

CHAPTER IX.

DEVELOPEMENT OF NEW ZEALAND.

LETTERS PATENT of the 21st June, 1845, had appointed Captain Grey Lieutenant-Governor of the islands of New Zealand. It is not quite clear why the Home Government reverted to the more modest title, after conferring an independent Governorship on Hobson and Fitzroy. Possibly, the attempt to form an united executive for Australia, subsequently brought forward in 1850, was even in 1845 contemplated by the Secretary of State for the Colonies. But nothing came of it in New Zealand. Captain Grey had no time for a personal interview with the authorities in Downing Street. He came in hot haste from South Australia, and, from the moment of his arrival, exercised the full powers of a Colonial Governorship.

Depression.

The outlook was not promising. The European settlers were suffering from an attack of that economic depression which seems to visit all new colonies when the initial expenditure of capital ceases to provide abundant work at high rates. The late Governor, Fitzroy, had issued Government debentures to a large amount, for the purpose of tiding over the depression. The Home Government had flatly refused to sanction this proceeding; but Fitzroy was so scared by the prospect of publishing the dis-

allowance in the colony, that he suppressed it altogether. Grey was less timid. He made a great effort to repay part of the indebtedness from colonial funds, and arranged for the postponement of the remainder. At the same time, he boldly published the decision of the Colonial Office.

Then he turned to the north, where the Maoris were in open war against the whites. The cause of quarrel was the standing trouble about the land. Fitzroy's foolish Proclamations had, as might have been expected, given rise to any number of disputed claims. English settlers, firmly convinced that the land system with which they were familiar was the only possible system, insisted upon purchases from individual Maoris, which the tribal chiefs would not recognize. Foolish speeches made by the friends of the New Zealand Company in England, especially speeches made in Parliament, excited the alarm of the Maoris. It may seem astounding that the Maoris should watch English Parliamentary debates. Yet it is certain that such was the case. And, unfortunately, intelligent and quick of apprehension as they were, the Maoris did not fully realize the complete emptiness of Parliamentary talk, or the exigencies of party warfare. When they found that the chiefs who took part in the affair of the Wairau had been characterized as murderers in the House of Commons, when they heard that in the same place there had been read a document, emanating from an official of the New Zealand Company, in which the Treaty of Waitangi was described as a "praiseworthy device for amusing and pacifying savages for the moment," they took these things seriously. They did not realize that the main object of the Company's champions in the English Parliament was, not to hurt the Maoris, but to oust the Government from Downing Street. But they did realize very clearly, that an association of Englishmen, which had its resident representatives in New Zealand, was bent on treating the Maori land-titles as shadows

Maori troubles.

which could not be allowed to impede the march of what these agents were pleased to call a superior civilization.

First Maori War.

Governor Grey saw the importance of the crisis, and proceeded to act at once. He first solemnly announced that, whatever the foolish talk of irresponsible persons, Her Majesty's Government had no intention whatever of impugning the Treaty of Waitangi. He then took steps to prevent the importation of firearms for sale to the Maoris. By appointing Maori chiefs to offices of trust under the English Government, he prevented an united rising of the natives. Then, after a short but sharp campaign, Colonel Despard defeated the persistently hostile chiefs, largely by the help of Maori allies. The war at the Bay of Islands was over before the end of January, 1846. There was an attack on the settlements near Wellington in May, but no general rising. Some rather harsh justice was meted out to prominent chiefs, but a healing measure was the appointment, by ordinance of 1846, of Resident Magistrates specially charged with the administration of justice in matters in which Maoris were concerned. The most startling provision of the Ordinance is that which authorizes a Resident Magistrate, in the case of a Maori charged with theft, to allow the delinquent to pay four times the value of the goods and obtain his discharge. In civil suits between Maoris the Magistrate is to be assisted by two Maori assessors, one appointed by each party, and no judgment is to be given till the Court is unanimous.

The Land Question.

Relieved from the pressure of war, the Governor turned to deal with the great source of trouble, the Land Question. He issued a notice in June, 1846, to the effect that he declined any longer to act upon Governor Fitzroy's Proclamations, which allowed direct purchase from the Maoris. Settlers who claimed to have purchased under the "ten-shilling an acre proclamation" must send in their claims at once. Those who claimed under the "penny

an acre proclamation" might send in their papers, but these would not be further considered until the pleasure of the Home Government was known. A stringent Ordinance of November 1846 subjected any person purchasing or occupying land from or under a Maori title to a fine varying between £5 and £100; and an almost contemporary enactment provided for a commission to investigate claims made under the first proclamation. But, even if the claimant made good his title, he might be compelled to accept compensation from the Treasury instead of a grant of his actual land.

The Company in England.

Unhappily, things in England went against this wise policy. In June, 1846, the friends of the New Zealand Company came into office with Lord John Russell, and the seals of the Colonial Office were given to Earl Grey, one of the most prominent advocates of the company. One of the first cares of the Government was to pass an elaborate Constitution Act for New Zealand, and a statute to modify the Australian Crown Land Sales Act. Leaving the former measure for the moment, we may here point out that, by the provisions of the latter, the whole of New Zealand was exempted from the operation of the statute of 1842. The effect was, that Crown lands in New Zealand were no longer subject to the rule that all sales must be conducted by auction at a minimum price of £1 an acre, but were once more at the discretionary disposal of the Colonial Office. The construction put by the Government upon the new legislation is to be seen in the Royal Instructions issued in December, 1846. The principle of sales by auction at a minimum price of £1 an acre was to be continued, and no purchases of lands held under a native title were to be deemed valid unless made by the Crown. But Land Registries were to be opened for the recording of titles, and all lands not claimed and recorded within a fixed time were to be deemed Crown lands, no native titles being recognized unless

acknowledged by some official act, or evidenced by the expenditure of labour upon the lands claimed.

These Instructions were so obviously contrary, not only to policy but to justice, that the Governor, backed up by the opinion of the wisest and most independent colonists, simply refused to enforce them. Both the Bishop of New Zealand (Selwyn) and the Chief Justice (Martin) protested formally to the Home Government against a scheme which, if successfully enforced, would deprive thousands of Maoris of their ancestral lands, and, if successfully resisted, would result in the expulsion of the European settlers from New Zealand. The Home Government accepted the situation with a bad grace, and, Governor Grey's proceedings with regard to the Fitzroy proclamations having in the meantime been approved by the Colonial Office, the question closed for the moment with the regulation by colonial ordinance of the practice of "squatting," which had grown up in New Zealand at the close of the war of 1845. It may well be questioned whether, in the circumstances of the colony, the practice was not likely to lead to trouble; but in New Zealand, as in Australia, the squatters practically forced the hand of the Government.

Before leaving the Land Question, however, we may refer to a practical commentary on the Government policy, which appeared at the close of the year 1849. In the ten years of the colony's existence, the Government had granted away nearly 274,000 acres, for which it had realized just under £52,000, or an average price of something less than four shillings an acre. The expenses of the survey department and the compensation paid for Maori rights amounted to £33,000, and the Government had made itself responsible to disappointed claimants under the Fitzroy Proclamations to the extent of £97,000. Thus the total proceedings of the Land Office had resulted in a loss of nearly £80,000; whilst, in addition, the Colonial Treasury owed

Statistics.

the Home Government £14,000 for expenses of emigration. Further than this, the Report of 1849 shewed that 14,000 acres had been granted by deeds which stated that the grants were recommended by the Crown Lands Commissioners, whereas, as a matter of fact, the Commissioners had made no such recommendation; while in other cases the amount actually granted was in excess of the amount recommended, or even of the amount claimed by the purchaser. These little anomalies were cured by a general Ordinance of Confirmation passed in 1850, and specially sanctioned by the Home Government.

The new Constitution.

We must now retrace our steps to the year 1846, when the accession of Lord John Russell's Government to office marked the rise of the New Zealand Company's star. On the 14th August, 1846, Mr Hawes (Under-Secretary) moved for leave to bring in a Bill for the Government of New Zealand, and such was the unanimity of all parties that the measure passed through three readings in each House and obtained the Royal Assent in exactly a fortnight. There is no evidence that the slightest examination of the measure took place at any stage, or that any one but the promoters was interested to the smallest extent in the scheme. And yet it proposed to confer on a colony, which had not been in existence quite ten years, a constitution of a far more advanced and elaborate type than any then enjoyed by an Australian community. As the scheme was a complete *fiasco*, it will not be necessary to discuss it in detail; but a short description of the measure must be given.

The new Constitution is to be based upon a system of Municipal Corporations, which Her Majesty is to be empowered to create, and to endow with any powers which she is entitled by statute to confer on borough corporations in England. In each province of New Zealand there is to be

an Assembly, consisting of a Governor, a Legislative Council appointed by the Crown, and a House of Representatives elected by the "Mayors, Aldermen, and Corporations of the Municipal Corporations aforesaid." Each Provincial Assembly is to have power to legislate for its own province only; but, to ensure united action, Her Majesty may create a General Assembly for the whole of New Zealand, and this General Assembly is to consist of a Governor in Chief, a Legislative Council appointed by the Crown, and a House of Representatives elected by the members of the representative Chambers of the Provincial Assemblies. To this General Assembly is to be entrusted the power of legislation for the whole islands in certain specified matters, such as customs duties, currency, lighthouses, and posts. With a sudden lapse into sanity, the Act provides that, "by reason of the unsettled state of the Native Inhabitants thereof," the province of New Ulster may be deprived of the privileges of the new Constitution till the year 1854, if Her Majesty shall see fit. But the maintenance of the old form of government in the North Island is not to prevent the creation of the General Assembly, to whose House of Representatives the Queen may appoint (O delightful inconsistency!) members of the existing nominee Legislative Council. Whether the "New Ulster" indicated by this section is the New Ulster in existence at the passing of the Act, or another New Ulster to be created under the powers of the section empowering Her Majesty to divide afresh the islands into provinces, is discreetly left unsettled. The point was important.

After taking a few months to consider of its powers, the Home Government issued elaborate Letters Patent and Instructions in pursuance of the Act. These documents are dated 23rd December, 1846, and they enjoin the full introduction of the scheme of the Act, without making any use of the wise cautionary provision in respect of the North Island.

Perhaps the most important clause is that which provides for the separation from "New Ulster" of the settlements about Cook's Strait, notwithstanding that they are on the North Island. The effect of this direction was, obviously, to remove the Company's settlers at Wellington and in the Hutt valley from the immediate control of the Governor and Council at Auckland, and to make them the centre of a rival provincial organization. For the rest, the elaborate scheme of the Act is fully developed, and boroughs, councils, provincial and General Assemblies, provincial Executive Councils, are to be conjured into life. Almost the only useful clause in the Instructions is that which provides for the proclamation of "aboriginal districts," where, under the powers specially conferred by the Act, Maori laws and customs are to be administered by magistrates appointed by the Governor in Chief.

These solemn documents, accompanied by a new Commission appointing him "Governor in Chief," were duly received by Grey. He had, of course, no alternative but to proclaim them, which he did on the 24th November, 1847. But he shewed the strength of his character by simply declining to put them in force, save by proclaiming Mr Edward John Eyre as Lieutenant-Governor of New Munster and nominating Major-General Dean Pitt to a similar post in New Ulster (January 1848), and by drawing the southern boundary of the latter province from the mouth of the river Patea due east to the coast. The appointment of these two Executive Officers enabled the Governor-in-Chief to move freely about his dominions without stopping the ordinary course of business. In other respects things went on much as before.

Reception in the colony.

It is hardly necessary to waste time in criticizing the paper Constitution of 1846. Had it been put into force it would inevitably have resulted in an attempt by the small European minority in the North Island to ignore the rights of the large

Maori majority. It can hardly have been intended by the promoters of the measure to enrol the Maori tribes in "Municipal Districts," or to generate Maori "Mayors, Aldermen, and Common Councillors." But, as if to put the point beyond doubt, the Instructions had expressly provided that no one who could not write and read English should enjoy the municipal franchise. Inasmuch as the Maoris wrote and read their own beautiful language and not English, they were obviously excluded from all the benefits of a Constitution thus based on a strongly-marked race division. It is hardly likely that they would have let this fact stand in the way of an armed resistance to that encroachment on Maori rights which a representative Assembly of Europeans would have inevitably commenced.

But it is scarcely worth while pursuing the subject further. The Home Government was completely overpowered by the force of the Governor's remonstrances, and beat an ignominious retreat from its undignified position. At the beginning of the session of 1848, amidst considerable banter from the Opposition, the Ministry hastily introduced and passed a measure for the suspension of the Constitution of 1846. The old Legislative Council, created in 1841, was revived, but the Governor was to have power, subject to Her Majesty's approval, to increase its numbers, and even, with its advice, to create provincial Legislative Councils of a modified type. The vision of municipalities was not entirely given up; but the Governor was to have great discretion as to its introduction.

Effects of the incident.

Thus perished the Constitution of 1846; but this is not to say that its effects disappeared with it. Its mere publication had had two most mischievous results. It confirmed the Maoris in their belief that the Home Government, prompted by the colonists, was steadily bent on a scheme of appropriation. It compelled the practical defiance of the Imperial Parliament by a courageous

Governor. Neither of these results can be said to have been satisfactory.

We now turn to matters more immediately practical than Constitution making. The splendid territory in the southern parts of the Middle Island had long attracted the attention of prospective colonizers, and in the year 1847 a movement in favour of settling it was set on foot in England. The powerful friends of the New Zealand Company had, in the year 1846, obtained a loan of £100,000 at 3 per cent. from the Treasury, and in the following year they succeeded in securing, with Parliamentary sanction, another loan of £136,000, together with a remission of interest on both sums. Further than this, the statute of 1847, which authorized the second loan, suspended the operation of the existing Regulations (of 13th December, 1846) for the sale of Crown Lands so far as the province of New Munster was concerned, and actually vested the whole lands of the Crown in that province "absolutely and entirely" in the New Zealand Company, until the 5th July, 1850. There was, it is true, a restriction upon disposing of such lands, except for public purposes, at less than £1 an acre; but in other respects the Company was to have a free hand. By the help of the strong pressure brought to bear under this startling provision, the Company's agents forced the Governor in the following year to negotiate the purchase of the Middle Island from the Maoris; and it thus became, as Crown land, practically at the Company's disposal.

Spread of settlement.

It will be readily understood that the Company did not fail to improve its opportunity. An association of settlers, consisting principally of members of the Free Church of Scotland, known as the Otago Association, was formed to purchase land from the Company in the south of the Middle Island, and in due time its settlement became the province of Otago. The early settlers, under

The Otago settlement.

the leadership of Mr Cargill, were few in number, though energetic. They failed to fulfil the terms of their purchase within the time specified, and, though they are mentioned in the preamble of the Act which dissolved the New Zealand Company in 1851, their settlement was not constituted a province by that statute. It was, however, put on the footing of the other provinces by the Constitution of 1852. Even at the latter date its population was only about 1500.

The Canterbury settlement.

Shortly after the formation of the Otago Association, an attempt was made on a larger scale to found a settlement on strictly Church of England lines. The influence and general high character of the early missionaries of the Church Missionary Society, the labours of Marsden and Broughton in the early days, and the impression produced by the vigorous episcopate of Selwyn in later times, had aroused a strong enthusiasm amongst the members of the Anglican Church. Selwyn had been consecrated Bishop of New Zealand in 1841, and since that date his public-spirited efforts in the cause of religion and humanity had been productive of the greatest good. He warmly welcomed the prospect of a Church of England settlement, and offered to give up part of his diocese to a bishop who should be specially concerned with the new venture. The plan was at first to make the new settlement in the valley of the Wairarapa, to the extreme south of the North Island, and east of the Wellington settlement. The New Zealand Company had, with the permission of the Government, purchased land there in 1844, and this land it was willing to dispose of to the Church of England colony. But its title to the land was far from clear, and the managers of the Canterbury Association preferred to go further south. On the 13th November, 1849, the new Association was incorporated by Letters Patent, which gave it considerable powers of self-government. On the 1st December following, the Association entered into a contract with the New

Zealand Company, by which the latter undertook to reserve, for a period of ten years, a tract of 2,500,000 acres in the Middle Island, to be taken up and paid for by the Association as its requirements demanded.

Under these arrangements the Association proceeded with the settlement of what is now the province of Canterbury; but in the year 1850 the threatened dissolution of the New Zealand Company left them in a very precarious position. To remedy this difficulty, an Act of Parliament of that year recognized the pre-emptive claims of the Association to the district covered by the agreement of December 1849 (with the exception of the French settlement at Akaroa), and left it in the power of the Colonial Office even to extend the term of ten years stipulated for in the agreement. This enactment practically placed the Canterbury settlement in the position of an independent colony; for the proceeds of its land sales were not to go to the general Land Fund, but, after deduction of one-sixth for the Crown, to be expended by the Association for its own purposes. The statute of 1850, however, contained a stipulation that the Association should annually dispose of land to settlers to an average value of £50,000; and, the Association having failed to fulfil this condition, its power to dispose of Crown lands was abolished at the close of the year 1852. By the Constitution of the same year the Canterbury settlement became a province of the colony of New Zealand.

Dissolution of the New Zealand Company.

It wanted but one step more to get rid of the difficulties created by the vicious system of dual control which had prevailed since the foundation of New Zealand. This step was the dissolution of the New Zealand Company itself, and it was taken in the year 1851. By a statute passed in August of that year, the *de facto* dissolution of the Company was accepted, and the Crown was empowered to make provision for the government of the Company's settlements at Wellington, Nelson, and New

Plymouth. Special terms were introduced into the Act to preserve for the benefit of Nelson a sum of £25,000 which had been set apart for it by the Company. A final clause reserved to the shareholders of the defunct Company a claim upon the land revenues of the whole colony, to the extent of £268,000 odd, which had been guaranteed to them in the event of a dissolution by the statute of 1847. This sum was stated to represent, at the rate of five shillings an acre, the amount of land claimed by the Company in 1847 under the terms of its foundation charter of 1841, but its imposition on the general Land Fund of the colony was bitterly resented by the settlers in those districts, such as Auckland and the Bay of Islands, which had never benefited by the Company's proceedings. It was, however, probably worth while to pay even such a price for getting rid of an extravagant and impracticable system. The extinction of the Company paved the way for the introduction of a new and uniform scheme of government, to which we must now advert.

The Constitution of 1852.

Certain useful clauses of the Act which suspended the Constitution of 1846 empowered the Legislative Council of the colony itself to indicate the lines upon which political developement should proceed. To some extent this permission had been followed. In the year 1848 there had been a Colonial Ordinance constituting separate Provincial Councils for New Ulster and New Munster, and the Provincial Council of New Munster had held at least one session. An Ordinance of 1852 provided for the introduction of the representative element into the existing Provincial Councils. But more sweeping changes were expected, and the last measure was not enforced.

Statistics of 1852.

The material prosperity and importance of New Zealand were, though somewhat slowly, increasing. Since the dark year in which Sir George Grey assumed office, the customs revenue had steadily mounted,

and in 1849 the imports exceeded a quarter of a million sterling. In spite of the rival attractions in the Company's settlements, the Government land sales were increasing each year. Though the colony was not yet financially independent, the amount of the Parliamentary grant and the subsidy from the military chest shewed a decided tendency to decline. The white population had reached 27,000 in 1852; the Maoris were estimated to count about double that number, a rapid decline from the estimate of 1840. One very important declaration had been made by the Home Government in 1849. No convicts were to be sent to New Zealand.

Moreover, the local organization of the colony had made some way. The Governor had from time to time proclaimed "Hundreds," under the powers of the first Lands Ordinance and the general discretion accorded to him by his commission. The proclamation of a Hundred practically withdrew the land comprised in it from squatting operations, and brought it within the limits of settled country. Several Hundreds had been proclaimed in 1848, when New Squatting Regulations had been published. An attempt had even been made to act upon the municipal clauses of the abortive Instructions of 1846; and Auckland had received a Charter in 1851. Beyond the settled country, Pastoral Districts gave a rough indication of future developement.

Local organization.

In these circumstances Sir George Grey (he had been knighted in 1848) felt himself at length able to concur in the earnest wish of the settlers for representative institutions. In August 1851, he sent to the Colonial Office a memorable despatch, in which he drew the outlines of the constitution which he deemed most suited to the circumstances of the colony. He proposed the formation of five Provincial Districts, each with a paid elective Council, and an elective Superintendent. For purposes of

Representative Government.

general government he recommended a General Legislative Assembly of two Houses, one composed of members elected by the Provincial Councils, the other of members elected directly by the provincial electors. The central executive should be in the hands of a Governor and other permanent officials appointed by the Crown, and to it should be reserved the power of distributing the Land revenue, confirming or disallowing Provincial Ordinances, and protecting Maori rights. So far as legislation is concerned, the scheme is almost that of the United States of America; but the character of the Executive shews that at this time Sir George Grey was by no means inclined to trust absolutely to representative bodies.

Terms of the Constitution.

The Imperial Parliament, in the Constitution Act of 1852, somewhat deviated from the plan sketched out by Sir George Grey. His suggestion as to the creation of provinces is followed, but the number is increased from five to six (Auckland, New Plymouth, Wellington, Nelson, Canterbury, and Otago), and the Governor is given a veto upon the election of Superintendents. The provincial Councils and Superintendents are to hold office for four years; but the Councils may be prorogued by the Superintendents and dissolved by the Governor. The franchise for all purposes is based upon £50 freeholds, leaseholds of at least three years with an annual value of £10, and resident household occupation of £10 (urban) or £5 (rural). The list of subjects on which the Provincial Councils may not legislate includes not merely intercolonial matters, such as currency, posts, customs, weights and measures, and so on, but also Native and Crown lands, marriage laws, important criminal offences, property law, and the laws of inheritance and wills. The Superintendent is not to sit with his Provincial Council, which will have its own Speaker; but he may insist on consideration of his proposed measures, and is alone entitled to propose expenditure. The assent of the Governor

is necessary to all provincial legislation; but it may, subject to disallowance, be expressed by the Superintendent.

The General Assembly of the colony is to consist of the Governor, a Legislative Council of life nominees appointed by him (not, as suggested by Grey, elected by the Provincial Councils) and a House of Representatives elected under the same conditions as the Provincial Councils. But the House of Representatives may, subject to a dissolution, continue in office for five years from election. The Legislative Council will have a Speaker chosen by the Governor, the House of Representatives will elect their own, subject to the Governor's confirmation.

The limits to the legislative powers of the General Assembly are merely that its Acts require the assent of the Crown (which may be expressed by the Governor), and that they must not be "repugnant to the Law of England"—a provision which in this and similar cases has been authoritatively explained to mean, not repugnant to the terms of an Act of the Imperial Parliament extending to the colony. Moreover, the Governor is to have the exclusive initiation of money bills, and there is an absolute reserve of £16,000 a year for a Civil List. Otherwise, the whole revenue, including the Land Fund, is to be at the disposal of the General Assembly. But there are temporary provisions for the cases of Otago and Canterbury during the currency of their contracts with the defunct New Zealand Company, whose claim of £268,000 is to be met by the appropriation of one-fourth of the annual Land revenue. After the claims of the Central Government have been satisfied, the balance of the revenue is to be distributed among the Provincial Councils in proportion to the amounts collected in their Districts. The Maoris are to be protected by the strict prohibition of any purchase of tribal land by a private person, by the reservation of £7000 a year for Native purposes in the Civil List, and by the power given to the Governor to proclaim

Native Districts under Maori law. A new Commission and Instructions to Sir George Grey accompanied the Constitution Act; but it is not necessary to refer to them here in detail.

The Constitution put in force.

The boundaries of the newly created provinces were proclaimed in February 1853; and the Superintendents and Councils quickly sprang into existence. Before Sir George Grey left the colony, on the last day of the year, the new provincial organization was in full work, and had already tasted the sweets of power. Why it was allowed to precede the General Assembly it is difficult to say; certainly the arrangement produced difficulties. For when Governor Grey departed, leaving the reins of government to the senior military officer, Colonel Wynyard, and the General Assembly met in May 1854, the latter found itself confronted with a strong local organization which was inclined to narrow the limits of central authority to the utmost. By the terms of the Constitution Act, both the General Assembly and the Provincial Councils were clearly invested with the power of appropriating revenue, which implies a power of taxation; but, as the legislation of the Assembly was to override that of the Councils, and as the Assembly might deal with matters, such as Crown Lands and Customs, which the Provinces were forbidden to touch, it is obvious that, legally speaking, the power lay with the central legislature. On the other hand, as the members of the House of Representatives were elected by the provincial electors, it is clear that provincial feelings would be strongly represented in the House. Various arrangements were from time to time made, notably the "compacts" of 1856 and 1867, and under them the Assembly and the Provincial Councils divided the revenues till the latter disappeared. The most startling fact seems to be that a colonial Ordinance in the year 1856 authorized the Provincial Councils to make laws for the disposal of their own Crown lands, and that this Ordinance actually received the Royal

Assent. For, at the time of the passing of the great Public Works Act of 1875, a Parliamentary Return was published, which shewed that the provinces had adopted land systems greatly differing from each other in detail, though possessing common features. It is but fair to add that the provinces had succeeded in realizing a substantial price, nearly £1 an acre, for the nine million acres which they had disposed of during their existence.

Under the federal constitution (for so it may be called) of 1852, the colony lived until 1875. Many alterations of constitutional detail were made from time to time, but the principle of central and provincial governments was maintained. In 1858 the new province of Hawke's Bay, with Napier as its capital, was created out of the old province of Wellington. In January 1859, the name of New Plymouth was discarded for the Maori title of Taranaki. In October 1859 the province of Marlborough, with Picton (formerly Waitohi) as its capital, was detached from Nelson; it includes the scene of the famous incident on the Wairau. In March 1861, a new province of Southland, with Invercargill as its capital, was carved out of the old province of Otago; but in 1870 it was reunited with the latter. In 1867, the gold finds on the Buller river led to the opening up of the Canterbury lands west of the Otira range, and involved the organization of a new county of Westland, which, in 1873, became a province. The original organization of Westland is interesting as affording perhaps the earliest instance of the use in modern politics of the now familiar term "county council."

Subsequent history of the constitution.

But, as a more subdivided local government gradually came into existence, as boroughs and road boards took up the real work of local administration, the provincial system fell into disrepute with the advocates of a policy of rapid developement. Its claims on the revenue were found to be a hindrance to the raising of

Abolition of the provinces.

loans on the credit of the colony, and its attitude towards the central government was unsympathetic. As means of communication became more frequent, the necessity for localization ceased to be felt. As the old characteristics of the various settlements disappeared, the provincial differences of policy and feeling became less marked, and the expense and inconvenience of separate administrations appeared unnecessary burdens. The adoption of a resolute immigration policy in 1870, and the formation of a central Ministry of Public Works, foreshadowed the doom of the provinces. The Abolition of Provinces Act, passed in 1875, put the seal on this policy, and since 1875 there has been but one Government in New Zealand. Nevertheless, the provincial system, despite its drawbacks, had served a useful purpose. For the strongest kind of government is that which expresses a general unity subject to strong local differences of detail.

CHAPTER X.

THE DISCOVERY OF GOLD.

WE now come to the event which was to change, if not the entire character, at least the rate of Australian progress, and to give to the Australasian colonies that reputation for precocity of developement which they have ever since maintained. Hitherto, notwithstanding the peculiarities of the original settlement, the developement of Australasian communities had been normal and regular. When once the artificial state of industry produced in the older colonies by the convict system had worn away, it was observed that the invariable process of social developement set in. At first the new lands were occupied rather than settled by pastoral groups, whose wants were few and simple, and who claimed the right to roam over vast areas of land which remained in its natural state. The chief object of many of the great squatters was to make a fortune and return to England. They were, many of them, men of good family, who had merely come to Australia to try their luck, and who clung to English ways and English ideas. They performed a useful function in pioneering for new territory, and in gradually introducing more settled industries. The small towns which grew up in their districts were at first mainly depôts for the receipt and forwarding of their wool and

Squatters.

hides, and for the distribution of such stores as were needed in a pastoral station.

Selectors.

Then came the small settler, with the humbler object of making himself a home, and of dwelling under his own vine and fig-tree, cultivating his own farm. He was often a man who had been helped or persuaded to emigrate, and he was inclined to hold strong views as to the nature of his interest in the colony, and to look with disfavour at the huge tracts which were grazed by the squatter's flocks and herds, instead of being broken up by the plough. Gradually he pushed the squatter farther and farther inland (for all settlement in Australia began from the coast) and effected a change in the character of the district. The little towns became more and more centres of social and industrial life. The squatter preferred to get his personal goods in England, from tradesmen with whom he had dealt in his youth. The small farmer was quite content with the rougher productions of Australia; and so local industries were gradually introduced. But this change had not gone far in 1850. For all the more costly and complicated industrial productions, Australia still depended upon the mother-country. At the close of the year 1850, there were, for example, only forty-six factories in the whole of Victoria, and of these thirty-five were directly connected with the pastoral and agricultural interests. Ten years were to produce a total revolution in this matter, and to render the manufacturer and the artisan supreme where the squatter and the farmer had hitherto ruled.

Rumours of gold.

For many years prior to 1851 there had been rumours to the effect that gold existed in Australia. Stray shepherds had found, or obtained from the aborigines, lumps of quartz which they believed to contain the metal; but their stories had been regarded as incredible. The Government discouraged all such suggestions, as tending to divert the popular mind from steady industry.

But about the year 1840 these rumours began to grow stronger. A New South Wales clergyman, Mr W. B. Clarke, afterwards alleged himself to have found a piece of gold quartz in the colony in the year 1841; but, for some unexplained reason, he did not make his discovery public at that time. In the year 1844 Sir Roderick Murchison, a distinguished geologist, in his presidential address to the Royal Geographical Society of England, compared specimens of rocks brought home by Count Strzelecki from his overland expedition of 1840, with specimens from the gold-bearing mountains of Ural. So far, however, from predicting (as Mr Hargraves alleges him to have done) that gold would be found in the region explored by Strzelecki, Sir Roderick Murchison in 1844 says emphatically that the Australian Cordillera "so far differs from the Ural and many other meridian chains, in having as yet offered no trace of gold or auriferous veins." But Mr Hargraves and, later, Sir Roderick himself claimed that the latter had, in the year 1846, at a meeting of the Geological Society of Cornwall, urged the unemployed Cornish miners to emigrate to Australia in search of gold. Furthermore, in the same year, Sir Roderick addressed a formal letter to the Secretary of State for the Colonies, stating his belief in the existence of goldfields in Australia; and, two years later, he followed this up by a statement to the effect that he had received specimens of gold ore from New South Wales, and he strongly recommended the Government to undertake a mineral survey.

Alleged early discoveries.

It is probable, however, that these theoretical expressions would have received little attention, had it not been for the accidental discovery of gold in California, in the year 1848. The great excitement which followed upon that event set men's minds at work in Australia, and it was not long before discoveries were made which banished all doubts. In the year 1849, a Mr Smith, of

Gold in California.

Berrima, a town about 80 miles south-west of Sydney, boldly announced to the Government that he had discovered the existence of gold in "payable" quantities, and that, for a sum of money, he would point out the spot. His story was, however, received with caution, and he was merely told that, if he would fulfil his promise, the Government would see him suitably rewarded.

Smith of Berrima.

Nothing came of this announcement, but, in the year 1851, a Mr E. H. Hargraves, an old settler in New South Wales, returned thither from California, where he had spent about eighteen months in the search for gold. His efforts in California resulted in no immediate prosperity, but he gained much useful practical experience. More than this, as he looked at the natural features of the Californian goldfields, a great idea grew up in his mind. Though not a geologist, he appears to have had a quick eye for stratical resemblances; and the more he studied the peculiarities of rocks and soil in California, the more he became convinced that he knew, in his own colony, a district which presented the same features, and which, therefore, might be expected to produce the same results. Remaining in California only long enough to verify his observations, he returned to Sydney at the beginning of the year 1851. Seldom has such absolute confidence in unverified observation proved so completely justified. According to Hargraves' own account, he went without hesitation to a spot on the banks of a little stream known as Lewes Pond Creek, a tributary of Summer Hill Creek, itself a tributary of the Macquarie River, and there at once, on the 12th February, 1851, found alluvial gold. In April, he had so far advanced as to be able to write to the Government offering to disclose his treasures upon payment of a sum of £500. Receiving a similar answer to that given to Smith, he decided to trust to the liberality of the Government, and offered at once to shew his workings to the Government geologist, an official recently sent out from England

Hargraves.

to report upon gold prospects. On the 19th May Mr Stutchbury officially reported the discovery of gold in workable quantities at Summer Hill Creek; and, by the end of the same month, the immigration to the diggings had begun. Hargraves himself took no part in the digging, merely pointing out to others, without reserve, the places in which his experience led him to predict discovery, and instructing them in the processes of washing and cleaning. He was soon made a Commissioner of Crown Lands by the Government, and received a reward of £10,000.

The gold rush.

Now began a period which can have had no complete parallel in earlier history, save the almost contemporaneous parallel of California. For in days when news travelled slowly, and travelling for ordinary men was still slower, in days when Governments jealously prohibited the expatriation of their subjects, and only allowed the immigration of aliens under strict limits, nothing like the Australian gold rush could have taken place. As it was, everything favoured the stampede. The Australian colonies themselves were anxious for immigrants. The European disturbances of 1848 had led many continental rulers to the conclusion that it was wiser to allow turbulent spirits to go than to attempt to keep them. The new era of industry had completely unsettled the old relationships, and awakened a spirit of restlessness. Finally, the recent application of steam to sea-going ships had rendered a rapid decrease in the length of the voyage from Europe a practical certainty. From the moment that the genuineness of Hargraves' discoveries was placed beyond doubt, a swarm of pilgrims from all parts of the world set their faces towards the diggings. Many, perhaps the majority of the arrivals, were totally unsuited for the actual work of mining. Some of these turned to other pursuits in the neighbourhood, and, in no small number of cases, did far better than the diggers whose gold they received. But thousands

turned back in despair after a few days' experience of the hardships of the life; so that, almost from the first, there was an enormous traffic to and fro, and strong division of parties upon the gold question. An extreme view of the effect upon population may be obtained from a comparison of the statistics of Victoria at the close of the years 1850 and 1855 respectively. At the former date, the population was just under 70,000; at the latter, it was upwards of 300,000. But no other colony increased to anything like this extent during the gold rush.

Government action.

The first care of the Government at Sydney, on receiving the official report of the existence of gold, was to decide upon the attitude to be assumed towards the diggers. It was abundantly clear that the establishment of mining industries would mean a great increase of expense to the Government. It was equally clear that, as the law had been declared over and over again in the colony, unauthorized digging on Crown land constituted a trespass, for which the digger was legally responsible. But the Governor was wise enough to see that no threats of prosecution would deter men bent on digging in unoccupied lands, even if it were possible to preserve the lands of private owners from forcible intrusion. The squatting question had demonstrated that, beyond a certain point, the theory of Crown occupation of waste lands was apt to break down.

So the Government advisers suggested a compromise. Falling back on a still older feudal doctrine, they asserted the indefeasible right of the Crown to all gold found *either on private or public lands*, but recommended that licenses to dig should be granted on easy terms, which would have the double effect of providing a revenue and of preserving an acknowledgement of the Crown's title.

Gold licences.

Acting on this advice, Governor Fitzroy, on the 22nd May, 1851, issued a Proclamation, forbidding all persons to dig for gold on any lands without licence,

but expressing the willingness of the Government to grant licences at a fee of thirty shillings a month to diggers on Crown lands. For the present, the Governor refused to allow digging on private lands without the owner's consent. The Proclamation also announced that no licence would be given to any labourer or servant, unless he could produce a certificate of discharge from his last service. At the same time, the Governor commenced the practice of appointing special Commissioners for the goldfields, charged with the administration of the licensing system and the general maintenance of order in their respective Districts. He also strengthened the police force by every means in his power, and then awaited developements.

He had not long to wait. Almost immediately after the issue of the Proclamation, another goldfield was discovered on the Turon river, also a feeder of the Macquarie, only a few miles from Lewes Pond, and shortly afterwards a third was opened up on the Abercrombie, a tributary of the Murrumbidgee, which takes its rise in the Cordillera, south of Bathurst. By the beginning of June, gold began to pour into Bathurst; but Mr Hardy, the Chief Commissioner, was able to report an almost idyllic peace and plenty at the diggings.

New discoveries.

In the middle of July an event occurred which at once produced a violent attack of gold fever. This was the discovery of an enormous mass of virgin gold, weighing upwards of 100 lbs., by Dr Kerr, a squatter on the Meroo Creek. Dr Kerr had been guided to the spot by an aboriginal who had been in his service several years; and, in his excitement, he broke the matrix in which the nugget was imbedded, and thus spoilt what would have been the most magnificent specimen of gold quartz hitherto discovered. Even as it was, the display in the streets of Bathurst of a single find of gold worth about £4000 was enough to excite the feelings of the inhabitants to a pitch inconsistent with steady industry.

Kerr's find.

But Dr Kerr's find raised a point of some interest to the Government. In framing the licensing regulations, the advisers of the Crown had thought only of the possibilities of alluvial mining. Had they even directed their thoughts towards rock gold, they would probably have considered it highly improbable that any explorer should be able to extract the metal without an amount of preparation which he would hardly undertake upon the security of a bare licence. But, as it happened, Dr Kerr had not even a licence when he discovered the gold, though he, naturally, took one out as soon as possible afterwards. To strengthen its position, the Government seized the gold in the hands of a firm of shippers who were about to send it to England; but, on the firm's representation, it was released, security being given for the payment of a royalty of ten per cent. if the Crown should see fit to demand it. Early in August 1851, the Governor announced that, for the future, licences would be held to cover only alluvial gold, and that for rock gold won on Crown land the Government would demand a royalty of ten per cent., half that amount if the working was on private land. A fortnight later, the Government undertook the escort of gold from the diggings to Sydney, thereby adding considerably to the Crown revenue, and, at the same time, obtaining additional power over the Gold Districts. By the end of August, gold to the value of £70,000 had been exported from the colony. But these figures were soon eclipsed by those which followed.

The other colonies.

The news of the gold discoveries near Bathurst had soon spread through the Australian colonies. The more adventurous of the colonists started at once for the diggings. Others, often encouraged by their Governments, who foresaw a constant drain of population in favour of the old colony, endeavoured to find gold within their own limits. Rumours of discoveries were constantly arising. Gold was found at Echunga in South Australia, in

the Fingal District of Tasmania, and in the Coromandel ranges of New Zealand. But none of these discoveries could compare for a moment with those which took place within the newly-constituted colony of Victoria. Even so early as August 1851, gold had been worked at a place called "Deep" or "Anderson's" Creek, not far from Melbourne; but this was soon abandoned in favour of the diggings at Clunes, on the head waters of the streams which flow north from the Great Dividing Range to the Murray River. A month later, these again were temporarily deserted in favour of the rich Buninyong District, just south of the range, whose chief centre was Ballaarat. Finally, at the beginning of October 1851, the wonderful finds at Mount Alexander, a spur of the Macedon range to the north of Melbourne, were eclipsing all previous discoveries. Before the end of the year, the export of gold from Victoria alone had very nearly reached half a million in value. In two years the population of the Victorian goldfields almost equalled the whole population of the colony at the close of 1850. Most of the diggers lived in tents, and had absolutely no interest in the colony beyond the mere hope of profit from the diggings. If a more profitable field had opened elsewhere, they would have left at once. By the end of the year 1851, the probable area of future discoveries was pretty well recognized. The goldfields, with few exceptions, were found to lie on one side or the other of the eastern Cordillera or chain of mountains which, beginning with Mount Elliot in Northern Queensland, follows the coast with remarkable precision till it reaches Port Phillip Bay. But all the more northerly part of this chain was unexplored in 1851, and, of course, there was room for almost any developement within such wide limits.

The drain from the neighbouring colonies.

Warned by events in New South Wales, the Governments of the other Australian colonies had made preparations for the crisis. Western Australia was too remote to be much affected; and her newly-

arrived supply of convict labour rendered her contented. But South Australia and Tasmania suffered severely from the drain of population which set in towards the diggings. In South Australia the effect was, in some districts, almost as though a pestilence had swept away the men, leaving the women and children untouched. Some of the emigrants really deserted their families, but the bulk were honourable men, and remittances of gold soon began to find their way to Adelaide for distribution amongst relatives in the colony. After the comparative failure of the gold diggings in South Australia, the Government had wisely set itself to secure some part of the prosperity of the gold discoveries for its colony by establishing both land and river traffic routes. In these efforts it was highly successful. Many South Australians made handsome fortunes by sending provisions to the Buninyong and Mount Alexander Districts, and the new steamers on the Murray proved a source of profit to the colony which lasted until the developement of the railway system. Unfortunately, this prosperity could hardly be realized at the time, owing to the great scarcity of coined money in the colony. In 1851 the privilege of coining was still jealously monopolized by the Mint in London; while the rapid expansion of business in the latter part of that year had rendered the supply of coin in Australia totally inadequate to the demand. Very soon after the discoveries, Governor Fitzroy had sent home a memorial from the Legislative Council at Sydney, praying for the establishment of a branch Mint in that city, and similar applications soon followed from the other colonies. On the 22nd March, 1853, a Treasury Minute sanctioned the applications, and colonial Mints were shortly afterwards established by Order in Council. But, in the meanwhile, the South Australians had got over their difficulty by passing a Colonial Act authorizing the issue by the colonial Government of gold ingots, of slightly higher intrinsic value than the coins they were supposed to represent, stamped with

an authentic mark. These ingots were not made legal tender, and the only object of the Government mark was to guarantee quality and weight. But they were generally accepted in official and commercial transactions, they tided over the crisis of scarcity, and the Home Government, though with due official caution, approved the action of Governor Young.

In Tasmania, the main difficulty arose from the drain of emigrants. In August 1851, Sir William Denison wrote home urging the transportation of more convicts or "probationers," on the ground that there would be a great demand for food stuffs by the neighbouring colonies, while the supply of agricultural labourers would be shorter than ever. Both Tasmania and South Australia united in deciding upon the continuance of the system by which free emigrants were sent out at the expense of the Land Fund of each colony, notwithstanding that such emigrants would probably leave for Victoria immediately after their arrival. Of the existence of this contingency there could be little doubt. On the 16th January, 1852, the Governor of Tasmania wrote—"I have a number of examples of men who have come back from Mount Alexander after an absence from this colony of not more than eight weeks, with gold to the value of from £120 to £1,000." During the five months which followed the writing of this letter, 4000 persons (most of them wage-earners in the prime of life) left Tasmania for Victoria. As the whole population of Tasmania was at this time only about 50,000, the matter was serious. Nevertheless, Tasmania tided safely through the difficulties of the gold period, and was even able, as we shall see, to help her sorely-tried sister.

Troubles in Victoria.

For it was upon the newly-established Government at Melbourne that the strain of the new era most severely fell. The Government at Sydney was an old and tried institution, with traditions of more than half a century, and a staff of experienced officials under an exceptionally able chief. When Hargraves made his

discoveries in 1851, the population of the mother colony was nearly a quarter of a million, exclusive of the Port Phillip District, and such a population meant a Government organization of corresponding magnitude. Moreover, the people of New South Wales had always, from circumstances, been accustomed to much government, and did not resent it; while Victoria had been started as a colony whose people were too prosperous and contented to require more than a minimum of guidance. When the gold discoveries suddenly drew into the colony, not merely the most turbulent characters of Australia, but the crews of deserted ships and the general outpourings of the civilized world, and when, overcome by the contagion, the Government officials threw up their posts wholesale and started for the diggings, it became evident that the Lieutenant-Governor had his hands full. Even so early as November 1851, he began to anticipate trouble from the pre-emptive clauses of the Crown Lands Leasing Act of 1847 (p. 71), by which the squatters had a right to purchase a part of their runs, at the expiration of their leases. Some of the diggers who had made money naturally wished to purchase land in the neighbourhood of the goldfields. The claims of the squatters barred the way, and the squatters themselves looked with small favour upon a class of men whom they regarded as troublesome intruders, and whose proceedings rendered it almost impossible for the pastoralists to procure sufficient labour to carry on their operations. The squatters chose to overlook two important facts, viz., that they had themselves originally acquired their position precisely as the digger acquired his, and that the presence of the digger, if it raised the price of labour, also enormously increased the prices of the squatter's produce.

The revenue falls short.

But more immediate financial troubles began to press upon the Government. It had been necessary, not merely to add largely to the numbers of the official staff—to provide additional police, com-

missioners, magistrates, customs officers, &c.—but also to increase their pay in some proportion to the greatly increased cost of living. Even with a rise in their salaries of 50 or 100 per cent., the subordinate officials would not stay. The sight of the reckless and prosperous diggers who came down to Melbourne to spend the Christmas of 1851, and who flung their gold about wholesale, was too much for the feelings of the civilians. They deserted in troops. On the 12th January, 1852, Lieutenant-Governor Latrobe wrote—"The police in town and country have almost entirely abandoned duty," and he begged of the Secretary of State to send military aid. In May 1852, Sir John Pakington replied, promising six companies of the 59th regiment from China; but subsequently decided to send a whole regiment direct from England. A man-of-war was also to be stationed in Australian waters. A still more welcome assistance came in the early part of the year from the Governor of Tasmania, who sent, at Latrobe's earnest request, a body of 200 pensioners, who had been serving as convict guards, and who might be expected to resist those temptations which, if yielded to, would result in the loss of their pensions. But all this assistance meant money, and the Government soon fell into sore straits.

It is true that at first the revenue rose substantially. Comparing the income for the quarters ending 31st December, 1850, and 31st December, 1851, respectively, we find, on general account, an increase of £11,000, or about 30 per cent., and, on the territorial account, or Land Fund, an increase of £73,000,—about 100 per cent. Three months later, the increase was about 200 per cent. on the general revenue, while the territorial revenue was about the same. But the latter fact may be accounted for by the transference of the fees for gold licences to the general revenue. It is more important, however, to notice that, though the revenue was rising, expenses were increasing still faster. Not only had the staff to be

doubled or trebled, at a very large increase of pay, but Government contracts for public buildings, printing, stores, fittings, and other necessaries, could only be placed, if at all, at extravagantly high prices. "No Tenders can be obtained for supplies of boots and shoes; orders have been sent to neighbouring colonies for them..... Old Furniture sells at about 75 per cent. advance on the former prices of new; scarcely any mechanics will work." Latrobe estimated the deficit in the revenue of the year 1853 as nearly £400,000, notwithstanding that he reckoned the whole Gold Revenue of £600,000 as available for general expenses.

Latrobe's measures.

In his anxiety, the Lieutenant-Governor had at first (December 1851) proposed to double the licence fee of thirty shillings a month; but the proposal had provoked such a storm of opposition that he withdrew it. The revenue from licences was the source of much contention. The Government alleged that it was not taxation, but rent of Crown lands, and at first devoted it exclusively to the service of the goldfields. The diggers denounced it as taxation without representation; and the Legislative Council, almost necessarily in opposition to the Government whilst the latter was administered by nominees of the Colonial Office, refused to make up deficiencies out of the general revenue. Thus the Lieutenant-Governor was placed between two fires. If he enforced the licence fees he angered what was rapidly becoming the largest part of the population; if he relinquished them, he left himself without means to carry on the government of the goldfields.

Action of the Colonial Office.

From this dilemma he was saved by the receipt of a general permission from the Colonial Office, towards the close of 1852, to deal with the gold revenue in the same manner as ordinary revenue. By placing this fund at the disposal of the colonial legislature, the Home Government not only removed a great grievance and relieved

the hands of the Lieutenant-Governor from the shackles previously laid upon them by the Colonial Office, but it took a substantial step towards the end which was now acknowledged on all sides to be the ultimate outcome of the new discoveries, viz., the introduction of Responsible Government. The same despatch contained a still more important concession, authorizing the Lieutenant-Governor to devote the remaining part of the Land Revenue, viz., that arising from sales and pastoral licences, "to the purposes rendered urgent by the present crisis." As this fund was jealously reserved by the existing Constitutions of the Australian colonies, and devoted, under the provisions of the Crown Land Sales Act, exclusively to the purposes of emigration and public works, it will be seen that the Colonial Office took a strong step in sanctioning its diversion. But it must be observed that the expenditure of this additional fund was placed exclusively in the hands of the Lieutenant-Governor and his Executive Council, acting independently of the colonial legislature.

With this assistance, the Lieutenant-Governor struggled on, amid increasing difficulties, till the spring of the year 1853. By this time the agitation against the licence fee had reached an alarming height, for the first successes of the new discoveries had passed away, and, although the export of gold continued to increase, it was by no means at its former rate, nor in proportion to the increase of population. At the beginning of September 1853, there were said to be nearly 70,000 persons living at the Victorian goldfields, and many of these, in all probability, earned very little more than mechanics employed in settled work. Hence there was a fair ground for an orderly agitation against the amount of the fee; but, unfortunately, the diggers preferred violent measures. There was some excuse for them. They were not represented in the Legislative Council, for they had sprung into existence as a body since the passing of the Act of 1850,

Agitation against the licence fee.

and, though a measure had been introduced with a view of giving them the franchise, it had not yet received the assent of the Home Government. In the meantime, therefore, they could not, through their representatives in the Council, effectively criticise either the existing law or its administration. With regard to the latter, there was obviously room for complaint, for the immense increase of business had compelled the Government to appoint an inferior class of officials, and some of these, at least, succumbed to the strong temptations of their position.

The Bendigo petition.

At the beginning of August 1853, a petition had been presented by the Bendigo diggers, in which they urged the reduction of the licence fee and the grant of representation to the diggers. The Lieutenant-Governor returned a pacific reply, but the delegates in charge of the petition were evidently bent on arousing strong feelings, and they held meetings in Melbourne which went the extreme length permissible to loyal subjects. Still, the Lieutenant-Governor shrank from strong measures, and endeavoured to remove one ground of complaint by appointing, as a nominee member of the Legislative Council, a gentleman who was believed to possess the confidence of the diggers. The nomination was at once repudiated by the delegates of the latter, and, at the end of August, an organized attempt was made to resist the renewal of licences on the old terms. Hundreds of diggers pledged themselves to pay no more than a third of the sum previously demanded, and those who were inclined to yield to the Government's demands were warned that the agitators would not "be responsible for their safety" if they remained at the diggings. The licence system had by this time extended, beyond the diggers, to the storekeepers and other tradesmen at the goldfields, who were making enormous profits out of the diggers, and these, for the most part, unhesitatingly complied with the demands of the agitators, willing

rather to pay the fines for breach of the Government Regulations than to offend their customers. A daring attack on a private escort of gold near Bendigo, which occurred about this time, shewed that the colony was on the verge of a civil war.

Proposal to abolish the fee in New South Wales.

Just at this moment, an event occurred which rendered it impossible for the Government to maintain its position unimpaired with the scanty forces at its disposal. In the middle of September, 1853, the total abolition of the licence fee was seriously proposed in the Legislative Council of New South Wales. The news flew like wildfire to Victoria, where the diggers had hitherto looked upon the colonial legislatures (in which, it will be remembered, they were not yet represented) as their natural enemies. It seemed to them now that they had everything in their own hands, and it became clearly impossible for the Government, in the existing temper of the diggers, to exact the full amount of the licence fee. A Proclamation, hastily published with a view to allay excitement, by an unfortunate omission in the printed copies led the public to believe that the total abolition of the licence system was contemplated by the Victorian Government. A select committee of the Legislative Council reported unfavourably upon the system. The Government made the best of a bad bargain, and accepted a fee of forty shillings for the three months ending 30th November, 1853; and, on the following day, the Legislative Council passed a new Goldfields Act, which greatly reduced the fees for diggers' licences, while it substantially increased those demanded for permission to open stores at the goldfields. It also provided for the grant of leases of auriferous lands, at a royalty of not less than 5 per cent., and gave legal sanction to the customs regarding the "claims" of diggers, which had gradually grown up to regulate the rival interests of neighbouring miners. Offences against the Act were to be decided upon by the magistrates; but the accused might demand a court of

at least two members, and there was to be an appeal to General Sessions.

These measures were partly successful in restoring order, but it was obvious that the goldfields contained men who were averse from a peaceable settlement. Notwithstanding that the numbers of the elective members of the Legislative Council were more than once increased, that, with the full consent of the Home Government, a bill was being prepared for the introduction of Responsible Government, and that the material condition of the diggers was being rapidly improved, the Lieutenant-Governor had, in January 1854, to report the formation of a "Diggers' Congress," which obviously had for its object the supersession of the ordinary government.

Governor Hotham.

Mr Latrobe retired from office in May of the same year, and one of the first points noticed by his successor, Sir Charles Hotham, was the existence of an agitation against the Chinese at the Bendigo diggings. Notwithstanding the enthusiastic character of his reception during his progress through the goldfields in September, the new Governor soon had to face serious disturbances. The events of the next few months formed a crisis in the history, not only of Victoria, but of Australia. Naturally there is much dispute concerning them, and, as the following account is taken chiefly from Sir Charles Hotham's reports, it is possible that the acts of his opponents may not obtain strict justice. But it is admitted on all sides that Sir Charles acted with the most perfect *bona fides*; and the accounts given by the insurgents are far too contradictory and prejudiced to receive much credit.

The Eureka murder.

On the night of the 6th October, 1854, a miner named Scobie was murdered, or at least killed, at the Eureka Hotel, near Ballaarat. The Eureka Hotel was a place of no good repute, kept by a man named Bentley, who, as well as his wife, was (it is said) an

ex-convict from Tasmania. Suspicion fell upon the couple, and they, with a second man (named Farrell), were arrested by the magistrates, but almost immediately released for alleged default of evidence. The dismissal of the charge excited a storm of indignation in the camp, and a body of diggers at once proceeded to wreck the hotel and lynch the accused. In the latter object they, fortunately, did not succeed, and so rendered themselves liable only to charges of riot and arson, instead of the more serious charge of murder. Four of the ringleaders were, through the prompt measures of Sir Charles Hotham, shortly afterwards arrested, and committed for trial. But the accusations of partiality against the officials were too strong to be resisted, and a Board of Inquiry hastily instituted by the Governor disclosed the ugly facts that Dewes, the magistrate who presided at the hearing of the charge against the Bentleys, had been in the habit of borrowing money from residents, and that Sergeant-Major Milne, of the Police Force, had been guilty of receiving bribes. The officials implicated were at once dismissed, and the Bentleys and Farrell re-arrested and convicted. But the Governor very properly declined to release the arrested rioters, who, shortly before Christmas 1854, were convicted and sentenced to short terms of imprisonment.

The Eureka Stockade.

Meanwhile, more disturbances had happened. Though a Commission upon the general condition of the goldfields was holding its enquiries, in November many diggers again refused to pay the reduced licence fees, and, on the 30th of the month, a serious riot took place. The military were called out, the Riot Act was read, and there was some shooting. Eight captures were made, but the lesson had not been severe enough, and a state of open war ensued. The diggers entrenched themselves in a fortified camp known as the "Eureka Stockade," openly drilled their forces in the presence of the authorities, and levied horses and rations from unwilling miners in the name of a "Commander-

in-Chief." At the same time they issued a long political manifesto, which, while it did not avowedly disclaim allegiance to the Crown, contained proposals to which no regularly constituted Government could ever have assented.

The Governor at once ordered all the available military force to Ballaarat; but, before reinforcements arrived, the coolness and promptitude of Captain Thomas, the officer in command of the troops on the Ballaarat goldfield when the riot of the 30th November took place, had nipped the insurrection in the bud. Captain Thomas saw that, while the Eureka Stockade threatened to become a serious obstacle to the Government if its completion were allowed, in its uncompleted state it was really a source of weakness to the insurgents. By collecting their forces in one spot, and thus rendering them more exposed to a crushing attack, and by drawing off the men who threatened the Government camp, it really left the commander of the troops free to act with decision. Accordingly, Captain Thomas determined at once to attack the position. Assembling his forces (somewhat less than 200 men) at 3 o'clock on the morning of the 3rd December, he moved towards the stockade. At about 150 yards from the entrenchments, he was perceived by the scouts of the insurgents, who promptly fired on the advancing troops. Thomas himself, Pasley (his aide-de-camp), Rede (the Resident Commissioner) and Hacket (the Stipendiary Magistrate), all of whom were present at the attack, positively assert that the insurgents fired before a shot was discharged by the troops. Upon this reception, Captain Thomas gave the order to fire, and the entrenchments were carried with a rush after about ten minutes of sharp fighting. Captain Wise was fatally wounded, and three privates were killed outright; one officer and eleven privates were wounded. Of the insurgents, about thirty were known to have been killed, and many more wounded. Nearly 120 prisoners were taken. The effect of the victory was, so far as local

disturbances were concerned, instantaneous. Even before the reinforcements under Major-General Nickle appeared, all resistance to the authorities had died away; and, though the Governor at once proclaimed a state of martial law, he was able to recall the proclamation in less than a week.

Effect in the colony.

In other districts of the colony the effect was, for a while, doubtful. The extreme reluctance of Englishmen to admit the necessity for military interference by the Government told strongly in favour of the rioters. There was some danger that Melbourne and Geelong, left almost entirely unprotected by the concentration of troops and police at Ballaarat, would be taken possession of by rioters from the country districts, and Sir Charles Hotham made hasty application to Sir William Denison, the Governor of Tasmania, for military assistance. Very soon, however, the feelings of orderly citizens asserted themselves. Special constables were sworn in at Melbourne and Geelong, marines from two men-of-war stationed at Port Phillip guarded the prisons and the powder stores, wealthy men volunteered to serve as mounted police, and the arrival of the 99th Regiment from Tasmania on the 10th December dealt a final blow to the hopes of the insurgents. Even before this event, all the respectable classes in the community had rallied round the Governor, and he felt himself in a position to defy further outbreaks.

Failure of the trials.

But the ugliest feature of the whole affair was yet to be revealed. Out of the large number of prisoners taken at the capture of the stockade, only thirteen were committed for trial, the magistrates being instructed to commit only when the evidence was of the clearest nature. It being considered impossible to obtain an impartial trial by a local jury, the prisoners were brought down to Melbourne, and, after various delays, the charges were proceeded with on the 20th February, 1855. A Boston negro,

named John Joseph, and a reporter for the *Ballaarat Times*, named Manning, were first tried. The latter may have been merely led away by professional ardour in the pursuit of "copy," though the fact that he had been openly drilled and instructed in the use of a pike by the insurgents would seem to shew that his zeal was somewhat excessive. In the case of Joseph, the evidence was overwhelming; he had actually been seen to fire upon the troops, and he was captured in a tent which had been used as a guardroom by the insurgents. No counter-evidence was offered, the prisoners' counsel relying entirely on the alleged absence of treasonable intention. Nevertheless, both prisoners were speedily acquitted, and, although the Government wisely withdrew the remaining cases for the time, subsequent trials produced similar results. Ultimately, however, the difficulties of the situation were allayed by the reforms introduced on the recommendation of the Commission appointed to consider the whole subject of the goldfields. This body presented, on the 27th March, 1855, an extremely able report, in which it recommended the abolition of the licence fee and the substitution therefor of a "miner's right" or Crown permission, lasting for a year, and granted for a nominal fee of £1, to occupy for mining purposes a specific piece of Crown land. The deficiency in revenue anticipated from the abolition of licence fees was to be met by the imposition of an export duty upon gold, at the rate of half-a-crown an ounce. The Commission strongly recommended the granting of the political franchise to holders of "miner's rights," and the provision of liberal facilities for the acquisition of land by the miners. It also advocated the simplification of the existing complex system of government in the mining districts, whereby Commissioners, Police authorities, Commissariat officials, and magistrates all worked independently of each other, and suggested the substitution therefor of experienced "Wardens" at the head of elective Boards, who should not only dispose (with the aid of

skilled assessors) of disputes specially connected with mining operations, but who should have power to issue by-laws adapted to the special requirements of each district.

These recommendations were, for the most part, carried out by legislation of the same year (1855), and, before his lamented death in December 1855, Sir Charles Hotham had the happiness of being able to report to the Home Government the almost perfect tranquillity of the goldfields. Moreover, the revenue had not suffered by the substitution of the export duty for the licence fees; but the Collector of Customs was of opinion that the result of the change had been to throw the entire burden of the tax upon the importers of the colony, instead of upon the mining population. The Government was not, however, disposed to concern itself with considerations of abstract justice, so long as it could collect a sufficient revenue without serious opposition.

CHAPTER XI.

RESPONSIBLE GOVERNMENT AND MODERN CONSTITUTIONS.

We now enter upon the final stage in the political history of the Australasian colonies. By the changes of 1850–2 all the members of the group, with the exception of the remote colony of Western Australia, had reached a similar stage of political developement. In the matter of the administration of justice they were as unfettered as it is possible for any nominally dependent community to be. The immense majority of cases, civil and criminal, arising in the colonies were there finally disposed of by judges who, if originally appointed by the Colonial Office, were thoroughly amenable to colonial laws, and who had by this time become an integral part of colonial society. Only in rare and important cases was there any appeal to a tribunal in England. In the matter of legislation, the changes of 1842 and 1850 had placed an overwhelming power in the hands of the colonists. The Imperial control was maintained only by the reservation of a few subjects from treatment by the colonial legislatures, by the discretion vested in the Governors to refuse or delay assent to measures, and by the right of the Governor to nominate a limited proportion of the Legislative Councils, or, as in the case of New Zealand, to create a nominee Chamber.

In the matter of general administration, however, the case was different. Control over the general revenue had been conceded to the Legislative Councils, and, since in these the representative members were always in a substantial majority, the views of the colonists were pretty sure to prevail, notwithstanding the rule that all proposals for expenditure must come from the Governor. But the colonial legislatures were still prohibited from dealing with the Land Fund, i.e. the produce of the sale and leasing of the public lands of the colonies, which, as we have seen, belonged by constitutional theory to the Crown, and which was regulated by the Imperial Land Sales Act of 1842. This fund, to which were added, on the discovery of gold in 1851, the large sums representing the proceeds of licences to miners and store-keepers on the goldfields, as well as the fees charged for gold escort, was at first administered by the Governors alone, under instructions from the Home Government. The general policy was that, after deduction of the expenses immediately connected with the administration of the Crown Lands, the residue should be divided into two equal parts. One of these parts was retained by the Governor of the colony which produced it for expenditure in works of public utility, such as roads, bridges, and public buildings generally; the other was sent to the Emigration Commissioners in London, to be by them expended in emigration to the colony by which it was remitted. The reservation of this fund from popular control was felt as a great grievance, more especially when the Home Government ceased (as it did before 1850 cease in the majority of the colonies) to contribute towards the expenses of colonial government. Moreover, though the imposition and expenditure of the customs dues were entrusted to the Legislative Councils, their collection was still in the hands of the Imperial authorities, who also kept an eye upon the terms of the Colonial Customs Acts, and who were hardly yet prepared to face the possibility of different tariffs for

Administration.

different parts of the empire. But, most of all, the colonists resented the principle which prevented them from expressing their dissatisfaction with the conduct of any administrative official, otherwise than by a mere resolution or criticism which had no direct effect. The higher administrative officials were all appointed by the Colonial Office, and in many cases were actually sent out from England to their posts. They were under the direct control of the Governor, and, though they usually occupied seats in the Legislative Council, they occupied them as Crown nominees, not as elected representatives. Consequently, if any difference of opinion arose between the Governor and the legislature, the officials in question not only supported the Governor's policy, but reported to him the exact state of affairs in the Legislative Council of which they were members, thereby enabling him to estimate with accuracy his chances of success in a conflict with colonial opinion. The worst feature of this system was, perhaps, not that it favoured the Government at the expense of the legislature, but that it enabled each party to defeat the policy of the other without securing the fruits of the victory. The result was a divided authority which, in times of crisis, constituted a grave danger. It was to free the colonies from this anomalous state of things that the more energetic colonial politicians bent themselves so soon as the increase of wealth and population brought about by the discoveries of gold had rendered ultimate success certain. No reasonable doubt can be entertained that it was the latter circumstance which finally put the introduction of Responsible Government beyond dispute. But one or two preliminary steps cleared the way for the greater change.

Transfer of the customs.

The first of these was the transfer of the Customs Houses to the colonial authorities. This step had practically been rendered inevitable by the Imperial statutes of 1846, which, while putting the seal on the Free Trade policy of the mother country, left the colonial

governments at liberty to adopt or not, as they pleased, the new policy on which England had embarked. In such circumstances, it would have been manifestly absurd for the Imperial authorities to attempt to retain control over offices which might carry into effect a policy wholly different from that adopted by their own government. The real difficulty was one of pensions. To have cut the whole of the existing colonial staffs adrift, would have brought down a storm of claims for retiring allowances upon the Treasury. So Earl Grey at first proposed to temporize, by maintaining at each port a few of the older officials, for the purpose of enforcing the few Imperial rules (e.g. that prohibiting differential duties) which still remained in force. But, a few months later, he changed his mind; and, in April 1851, a circular from the Colonial Office announced that, with the approval of the Treasury, the Customs establishments would be at once transferred to the colonial governments, the latter being instructed, so far as possible, to continue the existing officials in their posts. The change was soon afterwards effected in the various colonies, and, as one of the first results of the gold discoveries was to increase enormously the business of the colonial Customs Houses, it is extremely improbable that any difficulty occurred in finding posts for those officials who cared to occupy them. The few Imperial rules referred to were entrusted to the enforcement of colonial officials, who received "deputations" for that purpose from the Treasury authorities. These officials were also instructed to make such returns to the Home Government as might be necessary to enable the latter to publish official statistics concerning trade and navigation.

Another step in the same direction was the handing over of the Gold Revenue to the colonial exchequers. This event was the result of the sudden pressure put upon the authorities of Victoria by the rapid developement at the goldfields. Lord Grey had, as

The gold revenue.

early as October 1851, expressed his approval of the view of Sir Charles FitzRoy, that the revenue arising from gold licences should be primarily applicable to defray the expenses entailed by the gold discoveries. But the Secretary of State did not propose to waive the control of the Home Government over the details of the expenditure. His successor, however, wise enough to see that the Governor would be placed in an invidious position by being saddled with the sole local responsibility in the expenditure of the gold revenue, and warned by the hostile attitude of the Victorian Legislative Council, boldly handed over the whole fund to the administration of the colonial legislatures in June 1852. This concession left the Land Fund composed of the same items as before the gold discoveries—viz., of the proceeds of sales, leases, and pastoral licences, although these items, of course, increased rapidly in amount with the increase of population. Moreover, Sir John Pakington, though he did not hand over the control of the remaining revenue to the colonial legislatures, went so far as to authorize Sir Charles FitzRoy and Mr Latrobe, at their own discretion, to apply such parts of it as might be necessary to the ordinary expenses of Government. This permission was acted on to a large extent, at least in Victoria; and it soon became evident that the desire of the colonists for complete control over the revenues could not long be withstood. Nevertheless, the Imperial Land Sales Act of 1842 stood yet in the way of all the Australasian colonies save New Zealand.

Cessation of transportation.

The final step in the chain of events which led to the introduction of Responsible Government was, perhaps, not strictly concerned with government machinery at all. But the total cessation of transportation to any colony which contemplated taking upon itself the full responsibilities of self-government was regarded as a *sine qua non*. Victoria, South Australia, and New Zealand had never

been made by the mother country receptacles for convicts. Transportation to New South Wales, which then included Queensland, had ceased, after long uncertainties, with the *Hashemy* incident in 1851. At the close of the year 1852, the Duke of Newcastle announced to the Governor of Tasmania that transportation to that colony had absolutely ceased. There was thus a clean sheet for all except the distant colony of Western Australia, which, isolated from the rest of the group by thousands of miles of trackless desert, could (it was thought) have no evil influence on its sister colonies, and which did not then seriously contemplate the introduction of Responsible Government. The way was at last clear to the other colonies.

Responsible Government.

The Australian Government Act of 1850 had obviously been regarded by its framers as only a temporary measure, for its 32nd section expressly empowers the Legislative Councils of the Australian colonies to devise new constitutions for their communities, with the assent of the Home Government, to be given after notice to the Imperial Parliament. The rapid developement of events in Australia immediately after the passing of this Act was sufficient to ensure that its provisions should not be inoperative. The Colonial Office, abandoning its usual caution, was the first to suggest that the powers conferred by the 32nd section should be acted upon, and wisely forbore to insist upon any rigid conditions, such as uniformity in the different colonies, or provision for federal action. At first such of the colonists as were not absorbed in the rush for gold, or in the pressing necessities of the immediate situation, seem to have been almost bewildered by the freedom of choice left open to them. But gradually the majority came to the conclusion that the two great objects to be attained in each colony were, a bi-cameral Parliament possessing complete control over all branches of revenue and expenditure, and an executive scheme which

should be controllable by party action, as in England. Upon minor points the various colonies differed; but, in the main, they concurred in desiring the English form of government. Whether this fact was due to the inherent merits of the British Constitution, or simply to a lack of the rare quality of political originality, it is difficult to say.

Constitutional committees.

After the first pressure of the gold discoveries had passed away, committees were appointed of the most influential members of the Legislative Councils in the four colonies to be affected by the contemplated changes. The deliberations of these committees, which were charged with framing the new constitutions, are extremely interesting to the student of political tendencies, but they cannot here be described in detail. Suffice it to say that, before the end of the year 1854, the four colonies had finally made up their minds as to the forms they desired, and had submitted Bills for the approval of Her Majesty. In the following year these measures received the Royal assent, and became law. But there was a slight difference in the manner of their introduction. The Bills sent home by the Governors of South Australia and Tasmania simply received the Royal assent in pursuance of the Act of 1850. The measures submitted by New South Wales and Victoria contained provisions which the Home Government was advised were not within the power of Her Majesty to sanction without the express authority of Parliament. So a special Act of Parliament was passed in each of the latter cases to empower Her Majesty to consent to the measure. But the Imperial Parliament, with that itch for meddling which is the great weakness of popularly elected bodies, took the opportunity, as the colonial measures were passing through its hands, of making a few alterations in them. So that Her Majesty ultimately assented to measures which had *not* actually been passed by the colonial legislatures, and it is very doubtful whether, by strict law, the constitutions thus

curiously produced are in order[1]. But the colonies were too anxious for their emancipation to quarrel over details, and the measures have been accepted without serious question. At the same time, the Imperial Land Sales Act of 1842 and its amendments were repealed, with exceptions for Western Australia, and the vexed question of the Land Revenue was thus transferred to another sphere. It was not thought needful to pass a new Constitution Act for New Zealand, for that colony had already, as we have seen, obtained its bi-cameral legislature by the Act of 1852. But in the introduction of Responsible Government New Zealand plays (as we shall see) a conspicuous part.

The new constitutions. Parliaments.

In creating their new legislatures the colonies were, as we have said, unanimous in adopting the bi-cameral principle. But they differed to some extent with regard to its application. All of them obtained a Lower Chamber or Assembly, based on a broad democratic franchise, and consisting wholly of elective members. Most of the colonies imposed some slight test of stability, such as the occupation of property of small value, or the membership of a recognized profession, as a condition of obtaining the franchise; but the colony of South Australia, in its second and successful attempt at legislation, threw the franchise open to every male of the age of twenty-one who should have been six months on the electoral roll of any constituency. In most cases, qualification for the franchise was accepted as qualification for membership of the Assembly; this was even the rule in South Australia, where, as we have seen, the franchise was the widest. But the colony of Victoria, somewhat to the surprise of the Home Government, imposed a high property qualification (freehold in possession worth £2000, or £200 a year) upon

[1] So hastily were the alterations made, that the New South Wales Constitution Act, as finally passed, contains (in the 3rd section) a reference to "clause sixty-two," while, as a matter of fact, there are only fifty-eight clauses in the Act.

its members of Assembly. All the colonies endeavoured to give a preference in money bills to the Lower Chamber; but the precise terms adopted differed considerably. All the Acts provided that money bills should originate in the Assembly. The Victorian Act expressly gave the Upper Chamber power to reject, but not to alter such measures. The South Australian Act forbade *either* House to pass a vote or resolution for appropriation for any purpose not recommended by the Governor to *the Assembly* during the same session; thereby implicitly allowing the Upper Chamber to amend existing propositions. The other two Acts are silent as to the powers of rejection or amendment; but the former power is clearly implied by general words, which only empower the Houses to legislate jointly.

Upper Chambers.

It was, however, in respect of the constitution of the Upper Houses, or Legislative Councils, that the constitutional Committees differed most substantially. In New South Wales the proposition to found an hereditary legislature was actually adopted by the committee, but rejected in deference to outside opinion. The precedent of Canada led the Home Government to sympathize in this matter with outside opinion rather than with the committee, and the proposal perished. But the New South Wales Act (like the slightly earlier Constitution of New Zealand) provided that the Legislative Council should consist of nominee members, appointed by the Governor with the advice of his Executive Council. No property qualification is prescribed, and the numbers are only limited by the rule that at least four-fifths must be non-official members, i.e. persons holding no place of profit under the Crown, and by the implied rule that the total number of members must not fall below twenty-one. By a curious clause, intended perhaps to guard against the dangers of a House appointed entirely by one Cabinet, it is provided that the first appointed Councillors shall hold their seats only for five years, but that members appointed after the

first five years shall sit for life. What was to be the position of members appointed after the first nominations but before the expiry of five years, the Act does not state.

But the other colonies refused to follow the lead of New South Wales and New Zealand. In Victoria, South Australia, and Tasmania, the Legislative Council is to consist of members elected upon a comparatively high property or educational franchise. In Victoria and Tasmania, the qualification of the elected members is possession or ownership of a substantial quantity of immovable property; the South Australian Act simply provides that they shall be of the age of thirty, and residents in the colony of three years' standing. It is hardly possible that the politicians of Victoria and Tasmania, where elective Councils were introduced in the name of democracy, did not see that a body of men elected upon a high property franchise, and themselves qualified by the possession of property, would be far more conservative in their tendencies than a House which could be swamped at will by the nominees of a democratic Cabinet. But perhaps they were willing to be deceived. At any rate, it is certain that it is only the elective Upper Chambers in Australia which have had any real weight. There was some attempt in the Constitutions of 1855 to prevent any loss of dignity to the Councils through hostile action on the part of the Assemblies, by provisions to the effect that the Presidents and officials of the former bodies should receive as large salaries as the corresponding officials of the latter.

In all the four Constitutions of 1855 there is a provision that the Governor shall summon a Parliament at least once a year. The duration of the Lower House is generally fixed at five years, but again South Australia shews herself the most advanced in democratic intention by the clause which limits the duration of her Assembly to three. In the case of the elective Councils, the members are to retire gradually, at the expiration of fixed periods of two years

Duration of Parliaments.

(Victoria), three years (Tasmania), or four years (South Australia), the senior members on the roll withdrawing at each period, but being capable of re-election. In Victoria the initial difficulty of assigning priority was got over by treating the member for each province who was at the bottom of the poll at the first elections as the senior member; and, as each "province" or electoral constituency for the Council was to have five members, it would follow that the whole council would be renewed every ten years. South Australia and Tasmania adopted the simpler expedient of drawing lots for order of seniority in the first instance. In token of the increased powers of legislation acquired by the colonies under their new constitutions, New South Wales and Victoria claimed that their Parliaments should henceforth legislate in the name of the Queen, and not of the Governor; South Australia and Tasmania more modestly contented themselves with the powers of their existing legislatures. As regarded the power of (so-called) veto possessed by the Crown, the distinction was unimportant, for the Governor continued to assent to measures in the name of the Crown, and the right of reservation was fully maintained. But the wider powers of the New South Wales and Victorian Acts saved them from some of the technical worries to which South Australia was exposed by the construction put by the judges upon the "repugnancy" clause (pp. 161, 201) of the old Act of 1850. From such difficulties, the colonies were, however, relieved by an Imperial statute of the year 1865.

The Executive.

We now come to the other great object of the constitutions of 1855, viz., the introduction of Responsible Ministries. We have said that the framers of those constitutions almost unanimously desired to copy the British system. We have now to shew how curiously they differed in their plans for securing the desired result.

The model of Cabinet or Responsible Government which

the colonists desired to copy was the curious product of the eighteenth and early nineteenth centuries, and best justifies the peculiar claim which the English nation has long put forward of political originality. Its gradual creation forms a part of English, rather than of Australian history, and it is no part of our business here to describe it. But it is necessary, in order that the difficulties of the constitution-makers of 1855 may be fairly appreciated, to point out its leading features. These may be said to be (1) the control of the entire executive machinery of state by an informal body of heads of departments, whose advice the Crown is bound to follow in all cases, except in certain rare questions concerning a dissolution of Parliament; (2) the fact that all the members of this informal body, or Cabinet, are also members of one House or other of Parliament, and can there be questioned concerning their departments; (3) the fact that almost all other State officials (except a few who stand or fall with the Cabinet) are excluded from the more important House of Parliament, and that a Cabinet is thus precluded from directly influencing votes by the gift of places; (4) the fact that such members of the Cabinet as are members of the House of Commons have to seek re-election on acceptance of office, (5) the constitutional understanding that a Cabinet shall resign the moment it fails to command a majority in the House of Commons, and (6) the tendency, not so clear in 1855 as now, for the Cabinet to become more and more a solid body, whose members stand or fall together. Of these six features only two, that which excludes ordinary public officials from the House of Commons, and that which compels newly appointed Ministers to seek re-election, are dependent upon express law. All the rest, the very names of Cabinet and Premier, the peculiar relations between the Premier and his colleagues, and between the Cabinet and Parliament, and, even more important, the rule that the Crown places itself absolutely

The Cabinet system.

in the hands of the existing Cabinet, are utterly unknown to express law, and are simply the result of a long and complicated political history, perhaps merely a stage in the process of further developement. They are almost incapable of being stated as a coherent system. Certainly they would be impracticable as a scheme of government in any country which had not a profound reverence for political tradition, and a strong genius for compromise. Yet this was the scheme which the colonists of 1853 sought to secure by their constitutions. How did they do it?

Difficulties in adoption.

It requires a skilled eye to detect in the Australian Constitution Acts any reference whatever to the eagerly desired scheme of Responsible or Cabinet Government. An intelligent foreigner, well versed in the constitutional doctrines of Blackstone and Montesquieu, might read them through without being any the wiser as to the nature of the modern system. It is only when we have grasped the peculiar features of English political tradition that we are able to pick out, here and there, a clause or an expression which points to the new order of things. And it is not without interest that we notice what were the features of Responsible Government which impressed themselves most distinctly on the minds of the colonists.

Existing officials.

In the first place it was felt to be absolutely necessary, if not to dismiss, at least to provide for the dismissal or resignation of the existing heads of departments. It is true that these officials held their posts merely at the pleasure of the Crown, but it was a pleasure which long usage and understanding had construed as a guarantee of security of tenure, so long as the official in question continued to perform his duties to the satisfaction of his superiors. Practically, such an official was never removed unless he was guilty of gross incompetence or deliberate malpractices. But the colonists desired now to have, in the place

of permanent officials, Ministers who could be dismissed by a mere vote of Parliament, recorded on a question of policy. Obviously, it was but just to provide compensation for those officials who, having accepted office under one set of conditions, would lose it under another; for it was fairly clear that the nominees of the Colonial office would not long retain the favour of colonial Parliaments. Accordingly, at the suggestion of the Home Government, the framers of the new Constitutions inserted clauses guaranteeing pensions to the officials "more liable to loss of office on political grounds than heretofore." This was the wording of the Tasmanian Act, and most correctly states the new condition of affairs. But all the four colonies committed the mistake of allowing the existing occupants of office to claim their pensions on *retirement* or removal, thereby relieving them from the necessity of waiting till a hostile vote should release them. Tasmania went still farther, and allowed her officials to claim immediate compensation for "increased liability to loss of office," before any loss had actually occurred. The officials were thus able to pocket comfortable sums, and at once to enter the lists, with all the prestige of their former experience, as candidates for political office. But only one colony, Victoria, made any provision for future Responsible Ministers. These would accept office with full knowledge of the uncertainty of their position, and must take their chance. Victoria set aside £4,000 a year to compensate the Responsible Ministers of the future.

Control of the Public Service.

To that feature of the English system which makes the advice of the Cabinet final in all the acts of the Crown, only slight expression is given in the Constitution Acts. The Constitutions of New South Wales, Victoria, and South Australia require that all appointments to public office (except the appointment of Ministers) shall be made by the Governor "with the advice (and consent) of the Executive Council"; and that of South

Australia further requires that all payments out of the public funds, and all appointments and dismissals from office (except in the case of Ministers) shall be made in pursuance of warrants signed by the Governor and countersigned by the Chief Secretary, who is, of course, a Responsible Minister. But in other respects the doctrine of Cabinet power is left to tradition; and the Constitution of Tasmania is absolutely silent on the whole subject[1].

Ministers in Parliament.

With regard to the second doctrine, that members of the Cabinet must be also members of Parliament, the Acts are equally incomplete. Only in the cases of Victoria and South Australia is the doctrine stated in clear terms. In these colonies it is provided that a certain number of Government officials *shall* be members of Parliament. New South Wales contents herself with allowing such officials to seek re-election to the Assembly after vacating their seats by acceptance of office. The constitution of Tasmania merely says that any acceptance of office shall vacate a seat in Parliament, leaving it a matter of doubt whether any officials, and if so which, may seek re-election. The exclusion from the elective Houses of all officials other than Responsible Ministers is, however, clearly laid down in all cases except that of Tasmania.

The Governor and the Cabinet.

Again, the peculiar relations between the Ministry and the Parliament are only hinted at in the obscurest way in the Constitution Acts. The summoning, prorogation, and dissolution of Parliament are placed in the hands of the Governor alone, and although,

[1] Mention should be made of the fact that, although the control of the Cabinets over the Public Service is still, in theory, maintained, its exercise is substantially modified by the Public Service Acts which have been passed in most of the colonies, and which aim at preventing any arbitrary or unjust promotions or dismissals. It is this fact which so sharply distinguishes between the politics of Australia and those of America.

doubtless, it was intended that the Governor should in ordinary cases act in such matters upon the advice of his Ministers, it would clearly not have been right to bind him to do so, for then it would have been left in the power of a defeated Ministry practically to put an end to Parliamentary government, by insisting upon repeated prorogations and dissolutions. Even in England, the Crown is clearly not bound to dissolve Parliament in all cases upon the request of the Cabinet. But the apparently free hand left to the Governor in such matters is no conclusive proof of the contemplation of Responsible Government; for the same course is adopted in other cases, in which he is clearly intended to follow the advice of his Ministers. An unmistakeable reference, however, to the new system occurs in the exception, to be found in all the new Constitutions except that of Tasmania (which does not refer to the matter at all), limiting the powers of the Executive Council in the matter of public appointments. Although, as we have said, appointments are in all other cases to be made upon the advice of the Executive Council, in the case of the "appointments of the officers liable to retire from office on political grounds," the choice is to lie with the Governor alone. The Constitution of South Australia expressly gives the Governor the power of dismissal, as well as of appointment in such cases; in the other Constitutions the power of dismissal is only implied. The exception is obviously intended to enable the Governor to get rid of a Ministry which has lost the confidence of Parliament and is yet unwilling to resign, and also to prevent a retiring Ministry having any voice in the appointment of its successor. With regard to the sixth great feature of the English system, the solidarity of the Cabinet, the Constitution Acts are absolutely silent, unless we see in the clause respecting the countersign of warrants in South Australia by the Chief Secretary a covert allusion to it.

On the whole, a study of the Constitutions of 1855 leaves

upon the mind of the student the impression that the colonies had made up their minds to adopt the English system, but that they found great difficulty in understanding it, still more difficulty in describing it. The Cabinet system was, in 1855, so imperfectly understood even in England, outside privileged circles, that this is no matter for surprise. It is doubtful whether, at the time when the Constitutions were framed, there was a single person in Australia who had had any practical acquaintance with the working of the system. There were, of course, many officials, from the Governors downwards, who owed their appointments to Cabinet Ministers; and they and the colonists must have known that these Ministers were, in some mysterious way, influenced by debates in Parliament, and liable to go out of office for reasons quite unconnected with administration. But this was a slender basis for the introduction of a new and complicated system.

Criticism of the new Constitutions.

It is not to be wondered at, then, that the colonies found some difficulty in getting their new Constitutions to work. The first elections under the new system naturally brought to the front representatives of the new classes of society developed by the gold rush, and the old leaders found themselves discarded. Few of the Cabinets retained office more than a few months, and changes of Ministers were frequent. In Victoria something like a deadlock occurred, owing, apparently, to the desire of the existing officials to secure their pensions before embarking upon the uncertainties of Responsible Government. Without waiting to be dismissed or removed by a hostile vote, and before the new Parliament had met, the four chief officials requested the Governor to release them from office "on political grounds," and the Governor, in compliance with their request, proceeded to do so; whereupon, each official wrote a formal letter, accepting his dismissal, and claiming a pension. Unfortunately, the member

Establishment of the new system.

charged with reporting the circumstance to the Legislative Council announced that his colleagues had *resigned*, and, although this statement was corrected on the following day, the suspicions of the Council were aroused. The situation was rendered still more strained by the announcement, which soon followed, that the Governor had re-appointed the same four officials to their old offices, and had added to them three new officers, thus obviously intending to create a Cabinet. Inasmuch as the country had not had an opportunity of expressing its views upon the policy of the existing Government, this manœuvring was looked upon as an unfair attempt to secure a start in the political race, and the officials implicated only escaped censure by the use of their own votes in the Council.

The question in New Zealand.

But it was in New Zealand that the greatest surprise occurred. For in the New Zealand Constitution of 1852, there was no reference, direct or indirect, to the new system; and, as a matter of fact, it had not been contemplated by the framers of the statute. There is no provision in the Constitution for the re-election of Ministers, nor for the exclusion of other officials from Parliament; apparently the Executive Council is not even indirectly alluded to in the Act. Moreover, outside the Constitution Act, the Governor's Commission was couched in terms which clearly implied the existence of a permanent Executive. The Governor had only power to fill two seats, and his appointments required express confirmation by the Home Government.

Nevertheless, by the time that the Constitution of 1852 was got to work in New Zealand, the idea of Responsible Government was already in the air. And when the General Assembly held its first meeting, in May 1854, the subject was immediately raised. On the 2nd June, Mr E. G. Wakefield carried, with only one dissentient in a House of Representatives of 30 members, a resolution urging the immediate establishment of ministerial responsibility. Sir George Grey had, unfortunately,

left the colony a few months before, and the office of Governor was being temporarily administered by Lieutenant-Colonel Wynyard, who, naturally, shrank from saddling his successor with changes of which he, or the Home Government, might disapprove.

Nevertheless, it was obviously necessary to do something to avert the deadlock which the existing system unhappily rendered only too likely. For, if the House of Representatives were to take up an attitude of opposition, the Governor would find himself deprived of means wherewith to carry on the government. There was no Land Fund to fall back upon in New Zealand, and, though there was a guaranteed Civil List, it was only sufficient for the barest essentials of the Government staff. Moreover, even the Civil List might fail at any time, owing to the expiry of the Customs Acts.

So the Governor, acting on the advice of his Attorney-General, determined to offer a compromise. He would not take the responsibility of dismissing or even accepting the resignation of officials directly appointed by the Home Government; but it so happened that one of the four officials in the Executive Council (the Colonial Secretary) had been appointed by a previous Governor, and Colonel Wynyard felt that his case was different. Before making any changes in the occupation of offices, he offered to call to the Executive Council three non-official members of the House of Representatives who possessed the confidence of the latter body, and, upon a remonstrance from the Legislative Council, to the effect that such a step would ignore its existence, to add a member from the Upper House. This scheme was at first accepted by the Assembly, and was actually tried for about two months. But it will be seen that the effect of the arrangement was practically to constitute a Government of two parts, of which one did the work and the other criticized it, only the critical body being in touch with the Assembly. This state of things was inevitable

so long as the permanent officials were retained, for, of course, the Governor could not secure them seats in the elective House of Representatives.

Naturally, the arrangement was not successful. The official members of the Government perhaps made light of criticisms in the House of Representatives which they did not hear. The non-official members disclaimed responsibility for administration which they did not conduct. On the 1st August, 1854, the crisis came to a head. On the Governor refusing to do more than accept the resignation of the Colonial Secretary if voluntarily tendered, the non-official members of the Government resigned, and all attempts to find successors acceptable to the House of Representatives failed entirely. At this point, the Governor seems to have made the serious mistake of applying for advice to Mr E. G. Wakefield, who, though a member of the House of Representatives, had not been a member of the retiring Ministry. The Governor protested that his proceedings had been approved by his only constitutional advisers (the permanent officials), but the House evidently resented deeply what it believed to be an attempt to create division within its own walls; and when, after a short prorogation, a new Ministry was constituted by the Governor on the terms of the former arrangement, it was at once met with a vote of no confidence. It now seemed as though a deadlock were imminent; but, at the last moment, the House of Representatives suggested that the Governor should for the remainder of the session carry on the government in the old way, i.e. through the permanent executive, confining his attention to matters of immediate importance. On this understanding, the necessary supplies were voted, and the Assembly was prorogued till July 1855. By that time the Home Government had expressed its complete willingness to sanction the introduction of Responsible Government, but it took the view that, after all, no legislation on the subject was necessary, beyond that for securing pensions

to the officials of the old system. On the appointment of Colonel Gore Browne, Colonel Wynyard's successor, which shortly followed, the Colonial Office did not even think it advisable to alter the terms of his commission, and, immediately after the opening of the session of 1856, the necessary provision for the retiring officials was made. Thereupon their offices were filled by members of the House of Representatives, and Responsible Government in New Zealand became an accomplished fact. But a curious little trace of the struggle which accompanied its birth survives in the rule that members of the House of Representatives, on accepting Cabinet office, are not bound to seek re-election at the hands of their constituents. This is also the rule in South Australia.

Recent changes.

Since the changes of 1854–6, the general outlines of the schemes of government at work in the Australasian colonies have altered but little. Minor changes have been made, the system of local government has been developed, questions and disputes have arisen and been settled. All these are matters of much interest, but they have not involved reconstruction of the political fabric, and space forbids any detailed account of them. Amongst the most pronounced tendencies may be named the extension of the franchise for the Lower Chambers, the adoption of the ballot system, the shortening of the duration of Parliaments, the payment of members, and the measures for preventing a deadlock between the two Chambers of one Constitution. With regard to the first of these tendencies, it may be said that the effect of modern changes has been practically to give the franchise for the popular House to almost all resident males of full age[1], a position taken up by South Australia from the beginning; while New Zealand has

The franchise.

[1] In Tasmania the qualification is ownership or occupation of any property *or* receipt of wages to the extent of £60 a year. There is also a property requirement in Western Australia.

even extended the suffrage to women. The introduction of the "one man one vote" principle has been effected in South Australia, New Zealand, and New South Wales. The ballot system of voting was adopted very shortly after the introduction of Responsible Government, and is now in force throughout the Australasian colonies. In most cases the extreme limit for the duration of a Parliament has been reduced to three years; but Tasmania and Queensland retain the old term of five years, and the new Constitution of Western Australia has adopted the intermediate number of four. Payment of members is (it is believed) now universal in the case of the Lower Chambers of the Australasian colonies, with the exception of Western Australia; in the case of New Zealand, members of the Upper Chamber also receive remuneration.

Deadlocks.

The expedients adopted for preventing a deadlock between the two Chambers of a Constitution have been either (*a*) alterations of the composition of the Upper Chamber, with a view of bringing it more into touch with the colony, or (*b*) definitions of the relative powers of the two Houses. Several changes of the former kind have taken place, with the objects of reducing the qualifications necessary for the electoral franchise, subdividing the electoral provinces or constituencies for the Upper Chamber, and diminishing the number of years for which a member of the Upper Chamber holds his seat. Even in the nominee Chamber of New Zealand a change has been adopted, by which members require reappointment every seven years; failing reappointment, their seats become vacant. But by far the most interesting experiment is the scheme adopted by the South Australian Parliament in the year 1881, by which, if there is a deadlock, and a measure is passed by the Assembly in two successive Parliaments (a general election having intervened), and in the latter Parliament by absolute majorities on the second and third readings, the Governor may then dissolve *both* Houses at once,

or, at his option, issue new writs for one or two new members to be sent from each constituency of the Upper House. In the event of the Council being united against the Government, the Governor would probably adopt the former alternative; if the opposition majority were but small, the latter would probably be sufficient. But it is believed that on no occasion has resort yet been had to these provisions of the statute of 1881. Attempted definitions of the powers of the two Chambers have been on many occasions formulated, and resort has sometimes been had to Imperial decision. The general desire of the Lower Chambers has been to exclude the Upper Chambers altogether from jurisdiction in the matter of money bills; but the desire has never been realized in theory, however nearly it may have been reached in practice. While the inconveniences of allowing two separate bodies to discuss the details of a long scheme of expenditure may be freely admitted, there seems no reason why, on the barest principles of justice, elective Upper Chambers, such as those which exist in Victoria, South Australia, and Tasmania, should be prohibited from tendering advice (whether by "suggestion" or "amendment" does not very much matter) upon broad questions of finance. And where, as has happened more than once, a Lower Chamber endeavours to insert in money bills measures of principle which are not really financial matters at all, or to forbid the Upper Chamber to discuss a measure which, though primarily a non-financial matter, incidentally affects the revenue by means of fines, such action must be unhesitatingly condemned as unworthy of honourable men.

Queensland.

To complete the story of Responsible Government, it should be repeated that in the year 1859 Her Majesty, acting upon the powers reserved to her by the Constitution of 1855, created the separate colony of Queensland by detaching it from the mother colony of New South Wales, and conferred upon it, by Letters Patent,

a constitution similar in most respects to that of New South Wales. Queensland, then, must be added to the list of colonies with nominee Councils. It is remarkable as being the only Australian community which has at one stroke entered upon both separate existence and political self-government. In the year 1890, the colony of Western Australia, more than once previously disappointed, received a bicameral constitution and Responsible Government. At first the Upper Chamber is to be nominee, but at the expiration of six years from the first summons to the Council, or if sooner the white population of the colony attains 60,000, it is to be replaced by an elective council of members holding their seats for six years, and retiring by thirds every two years. The recent gold discoveries in Western Australia render it pretty certain that the elective clauses of the Constitution will be brought into play before the expiry of the six years.

Western Australia.

Finally, it ought to be noticed that in the year 1874 the group of islands in the Pacific known as "Fiji" became vested by surrender of the native chiefs in the British crown, and was incorporated as a colony with a Governor and a nominee Legislative Council of twelve members, of whom half are official and half non-official.

Fiji.

CHAPTER XII.

INTERNAL EXPLORATION IN AUSTRALIA.

THE expeditions of the great navigators of the 17th century had revealed nothing more of Australia than its coast line. The early explorers were, nearly all, sailors by profession, and, with true sailor instinct, did not care to go far from their ships. It was reserved for the successors of Captain Phillip to encourage and reward the exploration of the great interior which, until the close of the eighteenth century, was absolutely unknown to Europeans. The gradual pressure of increasing population upon the limits of settlement, the desire to open up new districts for colonization, the zeal for scientific discovery, and, in some cases, the mere spirit of enterprise, have gradually pushed the track of the explorer over the vast regions of Australia; till now, though much remains to be examined in detail, the main outlines of the picture are known to the European world.

It seems, therefore, convenient in this place to give a succinct account of the explorations which have led to this result, in order that the progress of discovery may more clearly appear than would be possible if only casual references were

made to each achievement in the general story of Australian developement. At the same time it must not be forgotten that the achievements of the explorers were, in many cases, the direct results and the no less direct causes of events in general history.

Character of Australian exploration.

What may be called the physical features of Australian exploration have a certain character of their own. There are no ravenous beasts and no impenetrable mountain ranges with barriers of eternal snow, nor is the progress of the traveller barred by giant rivers. A few poisonous snakes are to be reckoned with; but a moderate amount of care and skill is sufficient to avoid danger from them. Such mountains as Australia possesses lie almost entirely in long ranges parallel with the eastern and south-eastern shores, and were scaled at an early date. Even the aboriginal, savage and utterly barbarous as he is, has not proved a very formidable danger to the explorer. He has been hostile chiefly in regions previously visited by the white man, whose virtues he has thus had an opportunity of acquiring. Even the bewildering "bush," the trackless forest of monotonous eucalypts, in which the inexperienced traveller will lose himself in a moment, is, after all, to be found much more in the neighbourhood of the early settled districts than in the recently explored interior. The real dangers of the inland explorer arise from the scarcity of water, the long stretches of barren desert which afford neither food nor shelter, and, above all, the uncertainty of the seasons. A tract of land which, in winter or a rainy summer, will be easy and even pleasant travelling, in a season of drought will be an inhospitable desert. A stream which the weary traveller has for days counted upon with certainty as a relief to his sufferings and a means of continuing his journey, is found upon his arrival to have disappeared for want of rain, and there is nothing for him to do but to sit down and die.

The Bathurst Plains.

A paper written in the year 1831 by the famous Australian explorer Allan Cunningham may be accepted as trustworthy evidence of the progress of Australian exploration up to that date. The first great event in that progress is the discovery, already alluded to, of the Bathurst plains, by Messrs Blaxland, Wentworth, and Lawson in the year 1813. The barrier to be pierced was the chain known as the Blue Mountains, some sixty miles to the west of Sydney. These hills do not seem very formidable to Europeans, accustomed to scrambling about the Alps and the Pyrenees, but several previous failures testified to the superior daring of Mr Wentworth and his companions. Proceeding up the Grose River, and then keeping along the crest of the watershed, they at length arrived at a point which seemed to them the highest of the range. From thence striking due west, and crossing a dreary waste, the travellers had at last the satisfaction of seeing from afar a rich plain, watered by two fine streams, which have since received the names of the Macquarie and the Lachlan. Though they were obliged to turn back when actually in sight of the promised land, their report received credit, a road to the newly-discovered plains was constructed by convict labour in the following year, and in a very short space of time the flocks on the Bathurst plains, for so the new district was called, threatened to rival the famous flocks of Camden.

Oxley's expeditions.

The discovery of the Lachlan and Macquarie rivers had excited hopes that, by following these streams in their westerly course, some valuable discoveries might be made. Accordingly, in the years 1817 and 1818, two expeditions under the command of the Surveyor-General, Oxley, were organized with this object. The first expedition met with much disappointment. Its efforts to descend the Lachlan and Macquarie resulted only in the discovery of huge swamps, in which these rivers appeared to lose

themselves, and from which arose the legend of a great inland Australian sea, now proved to be baseless. The second expedition, however, abandoning the Macquarie marshes, struck eastward and discovered the Liverpool Plains (afterwards the site of the Australian Agricultural Company's settlement), finally reaching the coast at Port Macquarie, the mouth of the river Hastings. The discoveries of Wentworth and Oxley practically resulted in the colonization of a semicircular belt many thousands of miles in extent, which embraced the old colony on the west and north.

The next great extension was on the south, where the famous "Cowpastures" had hitherto marked the limits of settlement. Gradually the squatters, led on by aboriginal stories of a great river flowing west, pushed through the thick belt of scrub to the south-west of Camden, crossed the Dividing Range, and there, surely enough, found, not only a great river flowing west, but a vast extent of open pasturage, called by the aborigines "Monaroo," but to which the colonists gave the name of "Brisbane Downs." Fired by the prospect thus opened up of reaching overland the south country whose shores had been explored by Flinders and Bass, two young colonists, Messrs Hume and Hovell, undertook, in the year 1824, a great expedition to the south-west. Starting from a point near the headwaters of the newly-discovered river, the Murrumbidgee, they succeeded, after one false start, in striking a happy line which led them, with comparatively little difficulty, straight to the shores of Port Phillip Bay. On their way they discovered and named the Hume, the Ovens, and the Goulburn rivers, and crossed as well, though they do not seem to have known it, the infant stream of the great arterial river of southern Australia, the Murray. They also penetrated the chain known as the Australian Alps. Their glowing accounts of the fertility of the country to the south of this latter range were afterwards

Hume and Hovell.

to be verified by the pastoral prosperity of Victoria, but at first they seem to have been disregarded. The curious fact appears to be that the travellers believed themselves to have reached, at their final point, the shores of Westernport, instead of those of Port Phillip.

Allan Cunningham.

The year 1827 witnessed the great and fruitful journey of Allan Cunningham to the north. Cunningham had been with Oxley on his expedition of 1817, and had had much other experience in Australian exploration. Crossing Oxley's track of 1818, which led to Port Macquarie, Cunningham pushed almost due north, crossed the Peel River (discovered and named by Oxley), discovered the stream to which he gave the name of Dumaresq, and then, bending north-east, pushed on till he came to the glorious pastures known as the Darling Downs, now one of the finest sheep-breeding districts in Australia. Still pushing to the north, but hugging the western slopes of the range which, so he suspected, ran parallel with the eastern coast, he accidentally discovered a gap in the chain which, as he afterwards ascertained, was destined to prove the desired means of communication between the inland district which he had just discovered and the coast settlement at Moreton Bay. Cunningham returned from the expedition of 1827 by a route only slightly more to the east than that which he had taken on setting out; but in the following winter he sailed for Moreton Bay, explored the river Brisbane almost to its source, and ascertained that it did not, as was then supposed, flow from the Macquarie marshes, but from the eastern cliffs of the apparently interminable chain which cuts off the eastern shores of Australia from the plains of the Darling and the Murray. Thus he established beyond doubt that the true way of opening up the country to the west was by a road connecting it, through his Gap of the previous year, with the highest navigable point of the Brisbane.

Meanwhile, the Government of New South Wales had made

another effort to solve the mystery of the Macquarie, which had baffled Oxley. In the year 1826, Captain Sturt, accompanied by Mr Hume (the successful explorer of 1824) set out for Mount Harris, where Oxley had left his boats in 1818, when starting for Port Macquarie. The year 1826 was the third year of a drought, and the meaning of an Australian drought was brought fully home to Captain Sturt when he discovered, in place of the marshes upon which Oxley had cruised, hard sunbaked plains, on which birds and dingoes wandered feebly about, gasping for air. But the mystery of the Macquarie remained as great as ever; for, after growing gradually fainter in its descent from Mount Harris, the river simply disappeared in a most inexplicable way, and all further efforts at this time failed to trace its future history. Sturt, however, made a discovery not less important than the fate of the Macquarie, namely, the existence of the Darling river, upon which he stumbled in his northward track, and which he followed westward for about forty miles, always finding, however, its waters salt and undrinkable. Pushing his enterprise to the very verge of imprudence, Captain Sturt at length returned to Bathurst after many weeks of arduous toil.

Sturt on the Darling.

In the year 1829 the same officer was commissioned by the Government to explore the course of the Murrumbidgee. Pushing along the right bank until he reached a point about 450 miles south-west of Sydney, he there built a depôt, and, putting together a boat which he had brought with him, he launched it on the waters of the newly-discovered river. Following the stream, in much danger from the floating logs which it contained, he passed (though he seems hardly to have guessed it at the time) the mouth of the Lachlan, and at length reached (Feb. 1830) the main stream of the Murray, the great arterial river which receives the waters of the Darling, and sweeps on in a mighty volume to Lake Alexandrina, near Adelaide. Pursuing his

Sturt explores the Murray.

course down this river, Sturt came, after about nine days of travelling, to the mouth of a stream almost as large as the Murray itself. This tributary he strongly suspected to be the river Darling, whose upper waters he had himself explored three years before. Turning up this new stream, he traced its course for a few days, but did not succeed in reaching the southernmost point of his own previous examination. He thus left it still an open question whether the sweet water river which joined the Murray at longitude 141° east was or was not identical with the brackish Darling previously explored. But, returning to his original direction down the Murray, Sturt soon accomplished a far greater feat; for, after a voyage of thirty-two days, he passed into the great shallow Lake Alexandrina, and, crossing to its southern shores, ascertained beyond dispute that he had reached the southern shore of the continent at a spot far west of the point reached by Hume, namely at Encounter Bay, in the present colony of South Australia. Conducting his party back by the route by which they had come, Captain Sturt reached Sydney after a voyage which was not only productive of immediate results, but established for ever the general outlines of the river system of southern Australia.

Mitchell and Australia Felix.

Even more immediately fruitful was the expedition of Sir Thomas Mitchell, the Surveyor-General of New South Wales, in 1836. In spite of the drought, he succeeded in tracing the whole channel of the Lachlan to its junction with the Murrumbidgee, descended that river and the Murray to the outlet of the hypothetical Darling, ascended the latter stream till its identity with the real Darling could no longer be questioned, and then explored the Murray *upwards* till stopped by the floods at Swan Hill. Here leaving the river, he struck south-west, and, through many dangers, skirting the chain of mountains which he named the Grampians, obtained from the northernmost of the group, Mount Hope, a view of a rich and attractive country. Pushing

still further south, and discovering the Wimmera and other streams, he finally reached the coast at the mouth of the River Glenelg, from which he visited the newly-established settlement of the Messrs Henty at Portland Bay. Commencing his return journey by a route parallel to, but considerably to the south-east of that by which he had come, he crossed a range of hills which he named the Australian Pyrenees and, from the summit of Mount Macedon, sixty miles to the north of the then unborn city of Melbourne, he burst into enthusiastic rapture at the sight of the fertile plains of Australia Felix, the central portion of the present colony of Victoria. Sir Thomas Mitchell was a scientific, as opposed to a merely practical explorer, and in his report of his great expedition he lays emphatic and perhaps rather exasperating stress upon the mistake made by nearly all his predecessors in keeping to the rivers and low-lying lands, instead of taking the more arduous routes along the mountain ranges. But the Surveyor-General was entitled to boast; for his own expedition was a conspicuous success, on account of its economy of human life and the exactness of its achievements, as well as for its immediate effect on the colonization of South Australia and Victoria.

The progress of discovery, which had hitherto been directed exclusively from Sydney, is now found to originate in other parts of Australia.

Grey and Lushington in the north-west.

For Captain Stirling had founded the colony of Western Australia in the year 1829, and, nine years later, H.M.S. *Beagle*, under the command of Captain Wickham, set out from Swan River on a voyage of exploration along the N.W. coast of Australia. On her outward voyage from England she had left at the Cape of Good Hope a certain brilliant young lieutenant, George Grey, destined to play a conspicuous part in the drama of British colonial history, and he, with his friend and comrade Lushington, had conceived the daring plan of making straight

to the unknown coast from the Cape, and penetrating into the great continent at a point never yet visited by Europeans. In a little schooner of 160 tons, the *Lynher*, Grey and Lushington left the Cape on the 20th October, 1837, and, on the 3rd December, reached Hanover Bay, in longitude 124° 40′ east. After a halt of some weeks, during which Lushington visited Timor to get ponies, the expedition started south, and soon came across a considerable river, which Grey named the Glenelg—a somewhat unfortunate choice, as there already existed a Glenelg River in the south of the continent. Arrived at this river, the expedition turned to the east and followed its course for many miles, but the travelling was so bad that half the horses died, and the explorers deemed it prudent to turn into a chain of hills which ran almost due north and south, with a view of visiting the country behind them. Lieutenant Grey had before this been wounded by hostile natives, and at this point the surgeon forbade him to go further; but he declined to allow the expedition to turn back, and camped on the hills whilst Lieutenant Lushington explored the chain due south. Being at length obliged to return to the coast, the party there met Captain Wickham in the *Beagle*, who had been exploring the coast south of the point at which Grey and Lushington had landed. A comparison of results led the explorers to the conclusion that the old theory started by Dampier, to the effect that the north-west shoulder of Australia was in fact an archipelago of islands through which a direct passage to the seas of the Old World might be discovered, was no more than a myth occasioned by the strong currents and floods of the FitzRoy and Glenelg Rivers, of which they saw ample evidence. But the results achieved still seemed insufficient to account for the drainage of so vast an area as north-western Australia, and the more modern theory of a great inland sea was rather strengthened by the explorations of 1838.

The next great expeditions of discovery, if we except the

brilliant sortie of Count Strzelecki into Gippsland in 1840, are those of Mr Edward John Eyre in 1838–1841.

Eyre in South Australia.

The successes of this intrepid explorer can only be described as little short of marvellous, for, with but very scanty assistance, he practically pierced the great continent from east to west. His first expedition was an attempt to drive a mob of 300 cattle from Sydney to Adelaide. Leaving Sydney, with only six followers, in November 1837, he succeeded in reaching Adelaide eight months later, thus establishing the possibility of a new trade route of infinite importance to the commerce of Australia. At the close of the next year Mr Eyre, with double the number of cattle and a flock of a thousand sheep, repeated his journey from Sydney to Adelaide, reducing the time occupied by the journey to about three months. Immediately afterwards, as though to demonstrate the impossibility of failure, he plunged into entirely new territory, and led a flock of sheep over the three hundred miles of then unknown country between King George's Sound and the settlement at Swan River, thus demonstrating the possibility of avoiding the dreaded Cape Leeuwin, and establishing a trade route between Adelaide and Perth, as he had done formerly between Sydney and Adelaide. Anyone who has made practical acquaintance of the difficulties of Australian travelling, even in these modern times, can hardly admire too greatly the patience and resource, the courage and energy, which carried Mr Eyre through the difficulties of these expeditions.

Expedition to the north.

But a greater triumph was in store. Aided now to some extent by public liberality, Mr Eyre, in the year 1840, started on an expedition northward from Spencer's Gulf, to explore the interior. He soon reached Lake Torrens, but here even his sagacity was baffled, and, after vain attempts to proceed towards the north, he suddenly struck out in a south-westerly direction and reached the coast on the western or far side of the great inlet known as

Spencer's Gulf, at Port Lincoln. Returning thence by a circuitous route to Adelaide, Eyre a second time set out from the capital in a northerly direction. Again baffled by the country about Lake Torrens, he found himself once more, at the close of the year 1840, on the southern coast, but this time at Fowler's Bay, hundreds of miles to the west of Port Lincoln. Here he conceived the daring project of penetrating through the absolutely unknown country which lay between him and the settlement at King George's Sound, almost the extreme western point of the continent. Sending back all his followers who would go to Adelaide, the intrepid explorer, accompanied only by one white man and three aborigines, actually succeeded, after undergoing the utmost extremes of hardship, in reaching his destination. Often he had to march for five or six days without finding a drop of water. At the head of the Great Australian Bight his little company shewed signs of extreme dejection, and even of mutiny; and, in addition to all the inevitable cares of the journey, there fell upon Eyre's shoulders the burden of watching for an outbreak against which he would be powerless to stand, and which would probably seal the fate of the party. At length the tragedy happened. During Eyre's temporary absence from the camp, two of the blacks murdered his white companion, plundered the scanty stock of provisions, and fled into the bush. The explorer was now left in a fearful position. Behind him lay an impenetrable and apparently barren country. The nearest settlement to the east was at a distance of 400 miles, to the west of 600. Before him lay the inhospitable ocean. His provisions were almost exhausted, his horses nearly dead of starvation. But no thought of despair seems to have crossed his mind. In his own account he says simply—"I had no time for deliberation"; and, accordingly, he pushed on at once. After another hundred miles of travelling, which occupied no less than a month, he met with an incident to which he, in all probability, owed his

life. Visiting the shore near Cape Le Grand, he saw, to his great delight, a large French vessel, by whose captain he and his one follower were kindly entertained for twelve days. But nothing could break the resoluteness of his purpose. In spite of the dissuasions of his deliverers, Eyre insisted on being put on shore again, and at last, after another four weeks of enterprise, reached Albany on the 7th July, 1841. Unhappily, the report he had to give of the country through which he travelled was about as unfavourable as it could possibly be, and for many years after his journey the whole of the land between Spencer's Gulf and King George's Sound was believed to be a barren wilderness. Subsequent explorations have modified without essentially refuting his report. Happily, an expedition made in the year 1844 by Governor Grey of South Australia (the north-western explorer of 1838), in a precisely opposite direction, resulted in a more favourable account. Following the coast from Adelaide to the boundary of Victoria (then part of New South Wales) Governor Grey found an abundance of land suitable for settlement. Inasmuch as Sir Thomas Mitchell's expedition of 1836 had reached the Glenelg River, a few miles from Governor Grey's easternmost point, and as, three years previously, Mr Orr had explored the coast east of Port Phillip as far as Corner inlet, the southern coast of the continent was fairly well known by the end of the year 1844. The general result of the discoveries was that, taking Adelaide as the dividing point, the country to the west was sterile and unpromising, while that to the east was fruitful and rich. The subsequent exploration of the Gippsland coast only served to confirm this view.

We have next to notice the three celebrated expeditions of Ludwig Leichardt, a German explorer, in the north-east. The first of these was entirely successful, the two latter ended in disaster. Leaving Brisbane in October 1844, Dr Leichardt followed the north-

Leichardt in Queensland.

east coast in an almost parallel line, along the range of hills which extends nearly to the base of York Peninsula. Here striking to the west, he made for the shores of the Gulf of Carpentaria, but, having the misfortune to lose his companion, Mr Gilbert, in an encounter with the natives, he turned south and followed the course of the gulf until he came to Limmen Bight, where he again struck north-west, and at last arrived at Port Essington, a British naval station established a few years before on the Gulf of Van Diemen. During his journey he made valuable observations on the character of what is now northern Queensland, and his supporters, who had given him up for lost, were enthusiastic in their welcome when he suddenly re-appeared in Brisbane. His success had inspired him with the hope of further discoveries, and, being generously supplied with stores and equipment, he almost immediately set out upon a daring attempt to pierce the heart of the continent in a journey from east to west. The almost invariable fate of large expeditions, however, overtook the party. Dissensions arose, the animals, becoming unmanageable, either died or disappeared; and the explorers soon returned without having accomplished anything noteworthy. Nothing daunted, Leichardt set out a third time, with a small company, and never reappeared. The last news reported him only at a short distance from Brisbane; after that all traces were lost.

Stuart travels from south to north.

Passing by the expeditions of Captain Sturt from Adelaide in 1845 and 1846, which, undertaken with an object similar to that of Eyre, seemed to establish the impossibility of penetrating from south to north of the continent, we come to the numerous expeditions of the years 1860–2, which resulted in the final achievement of the long-desired object. The greatest name in this eventful period is perhaps that of M'Douall Stuart, a man of indomitable courage and perseverance, whose efforts were not merely successful in the long run, but were successful with-

out the loss of a single human life. No less than four times did he essay his great task, only to be driven back by overwhelming obstacles. The first three journeys, in which he does not seem to have gone beyond Eyre's northernmost point, were by his friends termed "preparatory journeys," and perhaps the two earlier were undertaken more by way of proof of his powers than as serious attempts to reach the northern coasts. But the great object was always before his eyes, and on his third journey, which lasted from April 1859 to January 1860, he would probably have made a bold push for the north, but for the unsatisfactory character of three of his small handful of followers. One of them actually deserted him in the night, and very nearly lost his life by his folly; the other two could not be relied upon, and, with great reluctance, Stuart had to turn his face southward at the end of the year 1859. He immediately, however, started again with only two faithful followers, and, after a journey of four months, through incredible hardships, actually succeeded in reaching a point within 200 miles of the Gulf of Carpentaria. It was an exceptionally dry and hot year, even for central Australia. Though Stuart started at what should have been the beginning of the rainy season, he seems to have seen practically no rain the whole way. He and his men suffered intensely from scurvy, and the horses were in a sorry plight. Still they were determined to push on. But, as they neared the northern coast, the appearance of large bodies of hostile aborigines, evidently superior in intelligence to the tribes of the far interior, and determinedly opposed to his further progress, warned Stuart of the unknown dangers to which he might be exposing his feeble party, and compelled him reluctantly to turn back. He had discovered and named a mountain which he believed to be the centre of Australia, and, with true British patriotism, had planted upon it the national flag, with a fervent hope that the blessings of civilization might speedily dawn upon the then benighted land. In

September 1860 he reached once more his starting point at Chambers' Creek, disappointed but not daunted. In less than three months he had collected an exploring party of ten men, and started from Adelaide on a fifth attempt. This time his trials were comparatively light, and his success complete. Keeping considerably to the west of his former tracks, and following a line of hills which supplied him with water and grass during the whole of his journey, he reached the shores of Van Diemen's Gulf near, but not at the mouth of, the river Adelaide, on the 25th July, 1862, just six months after leaving the northern limit of the settled districts of South Australia. Although the season had again been exceptionally dry, he had only been two nights without water; and his journey appeared to establish the possibility not only of an overland telegraph (its main object), but of an overland route for the sheep and cattle of South Australia to the waters of the Indian Ocean and the crowded markets of the East. The overland telegraph was, before very long, an accomplished fact; but the overland cattle route has not yet been established. A still greater political result, however, followed from Stuart's expeditions, for, though it is by no means clear that he was actually the first to cross the continent, his explorations were held to give his fellow-colonists a primary claim to the vast territories traversed by him. In the year 1863 the colony of South Australia, which had already received some additions by a statute of the Imperial Parliament in 1861, was invested with the huge Northern Territory, which included the site of the abortive colony of North Australia, founded in 1838, refounded in 1846, and extinguished in 1849. This expansion extended the territory under the rule of the Governor at Adelaide from the Pacific to the Indian Ocean.

F.T.Gregory.

Meanwhile, the other colonies had not been idle. In 1861, Mr F. T. Gregory, of Western Australia, aided by his Government, and supported as a base of

operations by the barque *Dolphin*, which cruised round the north-western coasts, accomplished a long and useful course of inland exploration along the Hammersley Ranges to the south, and then east from the coast as far as Mount Macpherson. But the expedition which excited the most interest was that of Burke and Wills, which left Melbourne in August 1860, to attempt the overland route from south to north. The expedition was large and well-found, and a special feature of its equipment was the introduction of camels, which, however, proved of very little use. But again it appeared that a small body of united and resolute men, even though poorly equipped, is far more effective in exploration than a large expedition, which is liable to dissensions and can never move without an extensive supply of provisions. Even before the borders of civilization had been reached, the party had divided, the advanced section, under Burke and Wills, reaching Cooper's Creek (at the extreme south-west of the present colony of Queensland) in November 1860. Here a depôt was formed, and a still smaller party, consisting only of Burke, Wills, King, and Gray, pushed on alone to accomplish the larger half of the journey, leaving the others, under Brahé, to await their return at Cooper's Creek. In view of subsequent events, the precise nature of the instructions left with Brahé is a matter of importance; but, unfortunately, it seems impossible to ascertain it. Brahé asserted in his formal report to the Committee of Management in Melbourne, that he was ordered by Burke to remain for "three months, or longer, if provisions and other circumstances would permit." But Mr Wright, left in charge of the rearmost party, who fell in with Brahé soon after the latter had commenced his retreat, states in his report that Brahé at first admitted an order to wait "three or four months." As a matter of fact, Brahé waited at Cooper's Creek just over four months, from the 16th December to the 21st April, 1861, and

Burke and Wills.

then, finding his provisions running short, and having two or three men down with scurvy, he commenced his homeward journey, leaving, however, a small supply of provisions in case of Burke's return. On the evening of the very day on which Brahé left Cooper's Creek, the advanced party, having, in spite of severe hardships and the death of one of its number, reached the tidal waters of the Flinders, which flows into the Gulf of Carpentaria, arrived at the Creek. Notwithstanding their bitter disappointment at finding the camp deserted, the explorers made a desperate though unsuccessful attempt to reach home. They had already lost four of their camels, the remaining two soon died. Instead of returning on his old track, which perhaps would have been the wisest plan, Burke decided to push direct for Mount Hopeless, which he believed to be only about 150 miles from Cooper's Creek. But the strength of the party was utterly unequal to the task. The provisions failed, and, though the aborigines fed them with fish and nardoo cake, this was no diet for men already enfeebled, and before whom lay an arduous journey. Wills was the first to succumb. Heroically insisting on his companions leaving him alone to die, as their only chance of safety, he lay down and was never seen alive again. A few days later Burke gave way, and, less heroic than Wills, begged his faithful follower to remain with him till he was dead. The end soon came, and King was now left absolutely alone. Returning to the scene of Wills' death, he buried the body, and then followed the tracks of the aborigines till he came to a camp, where he was kindly treated, though it is obvious that the blacks did not altogether like such an addition to the demands on their scanty supply of food.

Meanwhile, the returning party under Brahé had fallen in with the rearmost section under Wright. The latter, harassed by the blacks, and unsuccessful in finding his way, had lost several men, and had entirely failed to reach Cooper's Creek.

Aided now by Brahé's knowledge of the country, he, with Brahé and three horses, pushed rapidly to Cooper's Creek, and reached the depôt on May 8th, 1861. Oddly enough, however, he failed to find any traces of Burke, though the latter had left word of his intended movements in a "plant." Then, abandoning all hope, the survivors of the expedition set off on their homeward journey, probably just about the time at which Burke and Wills were dying of starvation. Immediately upon their arrival, relief expeditions were organized for the purpose of finding the lost travellers, and, on the 15th September, 1861, the Victorian party, under Mr A. W. Howitt, fell in with King, who, though in a state of extreme wretchedness, had managed, through the aid of the friendly blacks, to keep himself alive. The melancholy fate of Burke and Wills was established beyond doubt by Mr Howitt, and the records buried by the dead men were recovered and brought to Melbourne, where they created a profound sensation. Ultimately the bodies of the explorers were recovered, and accorded a public funeral.

Later expeditions.

With the explorations of Stuart and Burke may be said to end the heroic age of Australian exploration. Without in the least wishing to detract from the arduous and successful labours of their successors, it may be pointed out that, with the final return of the search parties despatched to seek for Burke and Wills, the mantle of thick darkness which had so long hung over the interior of Australia was finally dispersed. The continent had been crossed in two directions from west to east—in the extreme north by the Gregorys and Leichardt, in the extreme south by Eyre and Grey. Twice had explorers travelled from south to north, and though the last expedition had ended in disaster, its records survived as a guide to future travellers. The area of settlement was spreading with rapidity, as the excitement of the gold discoveries was wearing away. The

most conspicuous gap on the chart of Australia was the middle desert of Western Australia, lying north and south of the Tropic of Capricorn. This desert was crossed in two directions by Mr Giles and Mr John Forrest in the years 1874 and 1875. Exploration in the south-west was also successfully accomplished by Mr Alexander Forrest and Mr Giles, about the same time. Earlier explorers on the north-west coast had been Mr Dalrymple, Mr Martin, the Messrs Jardine, Mr Sholl, and the members of the Leichardt relief expedition despatched in the year 1869 by the Government of Western Australia. Gradually the general features of the continent became known, and the object of future expeditions will rather be to furnish exact reports of hitherto neglected spots, than to make any startling discoveries in geographical science.

CHAPTER XIII.

MAORI WARS IN NEW ZEALAND.

THE introduction of Responsible Government in New Zealand did not at once put an end to the questions which agitated the colony. Amongst these the most acute, and perhaps also the most important, was the question of the relations between the European and the Maori races. We have seen how this question had raised its head at the time of the first settlement; it was still unsolved when Governor Gore Browne took over the seals of office from Colonel Wynyard in 1855. The white settlers were increasing in numbers and power; the Maoris were decreasing in number, but were as brave as ever, and better equipped than before. Openly or secretly, the white settlers held it their destiny to occupy the land. Openly and more aggressively, as their hopes of success dwindled, the Maoris avowed it to be their policy to yield to the white man nothing more than the terms of the Treaty of Waitangi. The struggle, though it embraced many points of issue, always centred itself round the question of land purchase. The whites, eager to acquire land, hungered for permission to deal directly with individual Maori occupants. The Imperial Government, fearing the result of such dealings, had expressly forbidden any purchase of Maori lands save through the Crown; and, in granting Responsible Govern-

ment, had reserved Maori questions from the control of the Colonial Ministers, urging that, so long as Imperial troops were needed for the protection of the colony, so long must the Imperial Government retain control over the only subject which ever compelled their use. The Maoris themselves were divided into an aristocratic or patriotic party, which vowed eternal hostility against all proposals to part with more of the Maori land, and a Europeanizing or progressive party, which adopted the ways and manners of the white man, and was willing to sell its rights for immediate material advantages. It may be asked—why did not each party follow its own wishes and deal with its own property as it pleased? The answer is obvious. The aristocratic party altogether denied the existence of individual property in land, or, at least, the right of individual occupants to sell it without the consent of their tribe. A Government Commission which investigated the whole Native Question in 1856 reported that the evidence in favour of this view was overwhelming. "Generally there is no such thing as an individual claim clear and independent of tribal right." Yet Europeans would persist in attempting to negotiate directly with the apparent owners of land, notwithstanding that the Native Secretary was doing his best, and not unsuccessfully, to buy enough land for settlement from the tribal authorities. A large purchase which the New Zealand Company alleged itself to have made from the Maoris at Taranaki in 1840 was (as we shall see) a source of endless trouble and danger. Again and again disputes broke out, and finally, in November 1856, a large Maori gathering near Lake Taupo pledged itself to oppose any further sale of Maori lands, even to the British Government.

Political difficulties.

The hostility manifested by the Maoris towards European progress naturally embittered the feelings of the Europeans towards the Maoris. So long as the Native Minister was not a real Minister, but

merely a person whose advice the Governor was not bound to accept, while he might act upon the advice of the Native Secretary, an Imperial official acting as the Governor's subordinate, the General Assembly could not proceed very actively in Native Affairs. But, by attempting to impede the distribution of the annual sum reserved by the Constitution Act for Native Purposes, and by importuning the Imperial Government to transfer to it the direct control of Native Affairs, it no doubt fed the flames of wrath in the minds of the leading Maoris, who were perfectly well informed of what went on in the Parliament House at Auckland. An elaborate series of Bills, framed in the year 1858 by the General Assembly with the object of securing the control over Maori land questions, was severely handled by the Imperial Government; and only a part of its provisions became law. A map prepared in 1859 by the Government surveyor shews that, even up to that date, the Maoris had succeeded in retaining their hold on the great bulk of the land in the North Island, where indeed the whites only held patches about Auckland, Wellington, New Plymouth, the Bay of Islands, and Hawke's Bay, and at the mouths of the Wanganui and Manawatu. All the great Middle Island, with very scanty exceptions, had been acquired by the Europeans; the small Southern Island was still nominally Maori. The centre of Maori disaffection was the scene of the great meeting formerly alluded to, viz. Lake Taupo, in the very heart of the North Island. Here the chiefs who lived on the great river Waikato had succeeded in forming a league against land selling, which gradually developed into the "King" movement —i.e. an attempt to set up a Maori sovereignty under a chief named Potatau, who, however, was by no means entirely hostile to the Europeans.

At the commencement of the year 1860 affairs came to a crisis; but, in order to appreciate the meaning of the ensuing struggle, it is necessary to review very briefly the

leading incidents in the history of the nominal cause of the war.

The Waikato raid.

It appears that, in a year which is variously stated by local evidence to have been 1830 and 1834, the powerful tribes living on the Waikato river had made a descent upon the settlements of the Ngatiawa tribe in the beautiful and fertile district of Taranaki. The Waikato raid had been a complete success, mainly owing to the absence of the fighting men of the Ngatiawa, who were engaged on an expedition elsewhere. So thoroughly were the Ngatiawa defeated, that the greater part of them abandoned Taranaki and went to live at Waikanae, a district at least 100 miles south of their former settlement, though on the same western coast of the North Island. A few, however, of the Ngatiawa remained in the mountain fastnesses of Mouht Egmont, the lovely snow-capped mountain which rears its head above the streams and green forests of Taranaki, and a few stragglers from neighbouring districts occupied some of the deserted "pahs" and lodges of the defeated Ngatiawa. But no general resettlement was made, for the fierce Waikatos, though withdrawing to their own districts, threatened to come down again with fire and sword as soon as it became worth their while to do so.

The Taranaki purchase.

Such was the state of affairs when New Zealand became a British colony, and one of the first objects of the energetic agents of the New Zealand Company was to acquire a large tract of the fertile and apparently deserted district of Taranaki. In the year 1840, Colonel Wakefield believed himself to have accomplished this object. Through the intervention of a Pakeha Maori, one Barrett, who had been settled for some years in the district, he procured the signatures (or rather, marks) of several persons to a deed professing to convey an immense tract of country to the trustees of the New Zealand

Company. It is difficult to know precisely the claim of the persons who professed to sell the land. They are described in the deed as "chiefs of the district of Nga Motu"; but their chiefship was afterwards alleged to have been somewhat of the same character as the kingly descent of modern Irish claimants, and, in any case, there was no such thing in the New Zealand of 1840 as the chief of a district. It was the tribe, not the district, which was the basis of rule; and it appears probable that the signers of the deed of 1840 were mere casual occupants who knew the weakness of their title, and were glad to sell for what they could get. Moreover, they lived in constant fear of the Waikatos, and felt that the presence of Europeans was some kind of a protection.

A suspicion does indeed appear to have crossed the minds of the Company's agents that the conquering Waikatos might claim an interest in the land; and, accordingly, on the advice of Governor Hobson, the Company made a payment of a small sum to one of the Waikato chiefs, to induce him to waive his rights of conquest. But it does not appear to have suggested itself, either to the Governor or to Colonel Wakefield, that they were all the while neglecting the real owners of the land, namely, the Ngatiawa, living in exile at Waikanae, whose ancestral rights could, according to Maori custom, be extinguished neither by conquest nor by informal abandonment.

Then came the proclamation which refused to recognize any title acquired direct from the Maoris, the Land Sales Act of 1842, and the special enquiry concerning land titles conducted by Mr Spain, the Imperial Commissioner. When he came to the alleged purchase of 1840, Mr Spain deliberated long, but ultimately pronounced a decision to the effect that 60,000 acres had been bought on equitable terms, and that the Company was entitled to a Crown grant thereof. But Governor Fitzroy, in 1844, reversed this decision, and declined to allow a Crown grant to

Spain's enquiry.

issue. Having regard, however, to the fact that many of the Company's settlers had actually taken up land, and that, in fact, the town of New Plymouth had come into existence on the faith of the purchase, the Governor exerted himself to effect a new purchase of 3,500 acres in and around the township, which he hoped would prove sufficient for the immediate wants of the settlers. But, with almost incredible short-sightedness, while he repudiated the purchase of 1840 as invalid, he waived the Crown's right of pre-emption over the block in question; and gave permission to the Company's settlers to acquire sections of it by direct purchase, on satisfying the claims of the exiles at Waikanae.

A more suicidal policy could hardly have been imagined. It at once raised in the minds of the Ngatiawa at Waikanae visions of unlimited blackmail, to be levied on the unfortunate settlers. They had only to wait until some confiding farmer, tired of seeing a fine patch of land lying idle, had built his house and expended his capital in improvements, and then to come down on him one by one with claims for compensation. The wretched settler would never know when he had done with such demands; for if, as seemed quite possible, the land rights of Maori children were held to be inalienable by their parents, a perpetual and hereditary succession of bloodsuckers would be fastened on his homestead. And yet, every fresh payment would make him less willing to abandon his holding.

Action of Governor Grey.

Governor Grey saw at a glance the folly of his predecessor's action and, in the year 1847, announced his intention of confirming Mr Spain's award, and of making a Crown grant to the Company of the 60,000 acres, though, out of consideration for the hopes raised by Governor Fitzroy's action, he offered to pay a small sum by way of *solatium* to the Waikanae exiles. But it was too late. In the very next year (1848) a fleet of canoes brought back from Waikanae to Taranaki a body of nearly 600 Maoris,

among them Wiremu Kingi Te Whiti, or William King, an Europeanized Maori, who exercised great influence over the Ngatiawa. Their return was soon followed by brawls and bloodshed, which, though at first confined to Maoris, were so obviously dangerous to the peace of the district, that, in February 1858, Governor Browne at length issued a proclamation declaring that all persons, Maori or European, found under arms, would be treated as rebels. This proclamation, being badly translated into Maori, produced further ill-feeling, and the two races were obviously drifting into war.

The Waitara block.

The spark was kindled by the offer of a friendly chief named Teira to sell to the British Government a block of land on the Waitara river, which flows into the sea about eight miles north of New Plymouth. The offer was first made at a great meeting held to welcome the Governor, and it was at once repudiated by Wiremu Kingi on behalf of his tribe. Nevertheless, negotiations were proceeded with, and, Teira having received £100 on account of the purchase-money, the Government determined to proceed to a survey. Now the act of survey was always regarded by the Maoris as the decisive step; and it was clear to all that some demonstration would be made when the operation should be attempted. Just at this crisis the emissaries of the Waikatos arrived, and endeavoured to turn the quarrel about land into the larger question of Maori nationality and independence. Wiremu Kingi was at first opposed to the new idea, for he feared that his own importance would be dwarfed by that of the Maori king Potatau; but he could not draw back, and, on the 20th February, 1860, a party of 70 or 80 Maoris forcibly repulsed a party under Mr Parris, the District Commissioner, who was attempting to survey the Waitara block.

Outbreak of hostilities.

This outbreak of insubordination was promptly met by the Governor, who arrived at New Plymouth with reinforcements on the 1st March. Wiremu

Kingi attempted to impede his landing, but, upon a threat to fire, gave way and withdrew into the woods. He, however, refused to come to an interview, and, hostilities being inevitable, the outlying settlers were called in, block-houses built, and further reinforcements summoned. Colonel Gold was sent to take up a position at the mouth of the Waitara to protect the survey, which the Governor fully intended to carry out, but with strict injunctions to avoid, if possible, drawing the first blood.

It is possible that, at this moment, the European authorities were inclined to underestimate the immense attractions to the Maoris of a race war. It had for some years been apparent to the keen observation of the natives that they were being slowly extinguished by the march of European settlement. They could not hope to compete with the European in the peaceful arts, for the simple reason that, with all their brilliant abilities, they could not bring themselves to regard money-making as a serious business. No one is keener for money than the Maori, when money is to be obtained by force, by a sudden effort of cunning, or even by begging. But he cannot submit to years of drudgery with the sole object of making a fortune. He lives for excitement; and love, oratory, and war, but especially war, are the means by which he obtains it. The Maori is a born warrior—not a mere brutal bully, but a strategist, a skilful engineer, a daring and successful skirmisher. When Wiremu Kingi offered the Maoris war in 1860, he offered them an occupation for which their souls were pining, and from which they had been long debarred.

The Waitara Pah.

On the 17th March Kingi erected a pah of defiance on the Waitara block. After two days of hard fighting, in which he lost several men, Colonel Gold captured the pah, only to find that it had been abandoned, to admire the ingenuity of its construction, and to realize that he had effected nothing. Ten days later, the tribes

were up in the south, and New Plymouth lay between hostile fires. It required all the efforts of the Governor, aided by Colonel Gold and Captain Cracroft of H.M.S. *Niger*, who cruised along the coast, to protect it. There is no safe anchorage in Taranaki Bight, and whenever the west wind blew the ships had to make for sea. In his alarm the Governor summoned speedy aid from Sydney and Melbourne, and wrote home urging the despatch of at least 3000 troops. Auckland was put into a state of defence, and explanatory manifestoes were issued with the object of disabusing the Maoris of misapprehensions deliberately fostered by designing persons. An unpleasant incident of the period was an open difference of opinion between the Government and the respected Bishop of New Zealand, with regard to the justification of the policy adopted by the military authorities.

Meantime, the proceedings in the Taranaki District went on. On the 27th June, 1860, a party under Major Nelson suffered a severe repulse on the Waitara, in attempting to take a pah which was garrisoned conjointly by the Ngatiawa under Wiremu Kingi and many of the Waikato warriors. Almost immediately afterwards, Potatau, the Maori king, died, and the removal of his pacific influence was a great blow to those who had hoped for a neutral attitude on the part of the Waikato confederation. The arrival of Major-General Pratt from Melbourne to take command of the forces raised the spirits of the colonists, but it was some time before he could obtain any decisive success. The mysterious relations between the Waikatos and the Ngatiawa in Taranaki rendered operations in that district very difficult, and the unfortunate murder of a Maori near Auckland in October rendered it probable that a combined attack would be made by all the Maoris in the North Island on the comparatively defenceless capital. At last, however, on the 6th November, a detachment of 600 men under the Major-General inflicted a severe defeat on a party of

Waikatos at the pah Mahoetahi; and, on the 29th December, the British troops succeeded in dislodging the Waikatos from a strong position which they had taken up on the Waitara, driving them back into the forest. In spite of difficulties arising from imperfect ammunition, and disputes as to precedence between officers of the regular forces and those of the Taranaki militia and volunteers, General Pratt pushed his redoubts steadily forward, and, on the 23rd January, 1861, repulsed a large party of Maoris who had attacked the foremost position. So far from decisive, however, was this success, that the Native Secretary, Mr Donald McLean, in a lengthy memorandum composed ten days later, drew the gravest picture of general disaffection among the Maori tribes, and stated it to be his deliberate opinion, "that the English settlements in New Zealand are at present in a more dangerous and precarious state than they have been at any period since the foundation of the colony." The Native Secretary's opinion was backed by the Responsible Native Minister, an official not by any means naturally disposed to take the same view of affairs as the Native Secretary, and it was evident that the colony had a difficult task before it. The most hopeful prospect of peace appeared in the conduct of William Thompson, a great Maori chief, who came down to the scene of hostilities in March with the avowed object of putting an end to the war. But it soon became clear that William Thompson, powerful as he was, had great difficulty in soothing the angry suspicions of the war party; and when General Pratt, on the severance of New Zealand from the Australian command, left the colony at the end of the month, peace was by no means established. With the arrival of General Cameron hostilities gradually ceased, but it could not be said that either party had attained its object; and peace negotiations were still dragging on when, in August 1861, news arrived in the colony that Sir George Grey had been reappointed to

his old Governorship and would soon appear to take the helm of affairs.

Sir George came in hot haste from the Cape, landed in New Zealand at the end of November 1861, and took the oaths of office on the 3rd December. With characteristic energy he set to work to find out the real state of affairs, and, with this object, he sought information from all sources, personally visiting the Maori districts. His accounts throw a strong light on that most interesting subject of study, the Maori character. He found that the warrior chiefs, the men whose names had struck terror to the hearts of the Taranaki settlers, were employing the leisure of a truce in founding schools and cultivating literature and oratory. The one thing that the Maori could not appreciate was uniformity of government and occupation. It seemed to him too dull. To him it appeared natural that the strongest and most capable man in a district should set up a government of his own and rule in his own way. Even the King movement was dying out for want of excitement. A threat of war, a breath of patriotic agitation, would have brought it to vigorous life again; but it appeared too cumbrous for ordinary use. The Governor found, living peacefully in the heart of the disaffected country, an Englishman named Armitage. This gentleman, by a public notice set up on his land, intimated his intention of personally collecting a fine of one shilling from every trespasser upon his property, which, be it observed, he held direct from the Maoris, in open defiance of British law. A weak Governor would have protested against such conduct as insubordination, and discountenanced the offender, even if he had not punished him. Grey promptly appointed him a Resident Magistrate with a salary from the Government, and thus secured a capable supporter in the heart of the enemy's country. He followed up this bold stroke by proposing a generous expenditure of money on Maori purposes, and an

Grey's second governorship.

organization of the Maori districts on lines which should fully recognize and adopt, as the basis of government, the "runangas" or tribal gatherings of the native race. Finally, he wrote home suggesting that the Imperial Government should now hand over the control of Native Affairs to the Responsible Ministers, without entirely withdrawing its military support. An almost simultaneous discovery or rediscovery of gold in the Coromandel Ranges, near Auckland, added to the hopefulness of the colony, and it at first seemed as though Sir George Grey were about to achieve a magical success.

Action of the Home Government.

But the tide soon turned. The Home Government, while assenting to the suggestion of the Governor that the control of Native Affairs should be handed over to the Colonial Ministers, declined to waive its demand for contribution to military expenses, and the colonists were thus made to realize that, in return for complete independence, they must pay the heavy penalty, not only of military charges, but of the philanthropic measures which were part of Sir George Grey's scheme. This discovery naturally damped their eagerness for autonomy, and they now declined the proffered boon. But the Secretary of State intimated that it was too late to draw back, and, with much misgiving, the colonists took up the heavy task. In spite of a sharp passage of arms with the Secretary of State, who had committed the grave irregularity of publishing and even acting upon a communication from General Cameron which reflected on the Governor's conduct, without allowing the latter an opportunity of meeting the charges, Sir George Grey persevered in his plans. He gradually organized the Native Districts, promptly suppressed Maori feuds, pushed on the military road from Auckland to the Waikato, and finally, at the beginning of June, 1863, re-occupied in force two large blocks of land south of New Plymouth, from which the European settlers had been driven during the outbreak in 1861.

At the beginning of the year 1863 it almost seemed as though the war were at an end. To avoid all further provocation, the Governor strongly recommended the entire abandonment of the attempt to purchase the Waitara block, the very *casus belli* itself. Notwithstanding the success of General Cameron's arms, and the repeated assurances of officials sent by the Government to investigate the title, the Governor could not satisfy himself that Wiremu Kingi's claims were entirely baseless, and Wiremu's party never ceased to protest against the legality of the sale by Teira. Sir George Grey saw that, with the bulk of the purchase-money still to be paid, with the expense of surveys and military protection, with native reserves to be deducted, and claims of dispossessed settlers to be provided for, the colony as a whole would gain little by the completion of the purchase. But the Ministers could not be brought to look at the matter in the same light; and, whilst negotiations were still dragging on, a party of Englishmen coming along the beach to New Plymouth were brutally murdered by a Maori ambush on the 4th of May, 1863. In a moment the whole country from the Waikato to the west coast was in a blaze. There could now be no immediate thought of conciliation. Troops were hastily massed at New Plymouth. On the 5th June, General Cameron stormed and captured the position of the Maoris on the Katikara, fifteen miles south of New Plymouth; but this repulse did not seriously damp the courage of the Maoris, who, on the 17th July, made a combined and daring attack on General Cameron's troops (now strengthened by the arrival of the Royal Irish) in two different places. The attack was not successful; but news received from the officer in command at Wanganui, an European settlement on the road between New Plymouth and Wellington, shewed that the Maori plan included an attempt on that place; and an intercepted letter dated 29th June, addressed by the

Renewed outbreak.

Waikato chiefs to the Maoris settled at Waikanae, placed beyond all doubt the existence of a complete scheme of attack covering all the European settlements in the North Island. During the rest of the year small engagements, in which the British troops were nearly always successful, took place, and the superiority of the Europeans in the field was clearly established. Unfortunately, no decisive blow could be inflicted; the defeat of an attacking party was merely followed by another attack, and the simultaneous occurrence of raids upon different settlements on the same day shewed that the Maoris had adopted a highly skilful plan of guerilla warfare, against which it was difficult to make any headway except by military operations on a great scale. The occurrence of several dastardly murders of unarmed settlers, including even women and children, in the later months of the year, proved that the war was degenerating on the part of the Maoris into a horrible race vendetta, and the colonists, now thoroughly alarmed and thirsting for vengeance, determined on severe measures. In December, 1863, the Assembly passed a series of statutes which provided for the establishment of a system of military government in the disturbed districts, to be followed by a wholesale confiscation of rebel lands, and the settlement upon them of military occupants, prepared to defend their possessions by the sword. With some reluctance the Home Government, which had now, as we have seen, handed over the control of Native Affairs to the Colonial Parliament, allowed the measures to pass.

Measures of confiscation.

It is, however, one thing to decide upon confiscation, and another to enforce it; and, during the first three months of the year 1864, there seemed no immediate prospect of bringing the war to a close. But April and May were eventful, if not entirely favourable to the British arms. On the 28th of the former month, a large body of east coast Maoris, who had at

last been persuaded to join the Waikatos in the west, were interrupted in their march and severely defeated by the powerful Arawa tribe, through whose territories they had to pass. This event was, of course, doubly welcome, as it shewed that the Waikato confederation failed to include all the Maori tribes; but its effect was almost immediately neutralized by a severe defeat suffered by General Cameron in his attack on a position known as the Gate Pah, near Tauranga Harbour on the east coast (Bay of Plenty). The British lost thirty-two men, including eleven of the Naval Brigade, and the list of other casualties was considerable. But fortune again turned. On the very next day, Captain Shortt defeated the desperate attack of a body of fanatic Maoris, who were preaching the expulsion of the white settler as a religious duty. A fortnight later, a second intertribal battle resulted in favour of British interests, another body of fanatics being severely handled by friendly Wanganui tribes in their attempt to attack the British settlements in that district. Finally, on the 21st June, the defeat at Tauranga was amply avenged by a brilliant victory obtained by Colonel Greer, almost on the same spot, over a powerfully entrenched force of 600 Maoris. The enemy's forces were practically cut to pieces; more than a hundred were left dead on the field. Above all, Rawiri, a great plundering chief, the implacable but chivalrous foe of the British, was slain, fighting desperately to the last. On the 5th August, the Tauranga tribes made an absolute submission to the Governor in person. The most serious drawback to these substantial successes was the escape from Kawau of a large body of prisoners who, it was feared, would spread the war into a hitherto peaceful district. It must be remembered that, to a Maori, especially to a warrior, imprisonment was a far worse evil than death; and it was foreseen that the escaped prisoners would carry with them feelings of undying hatred to the British race.

Internal troubles.

The history of the next two or three years cannot be regarded as entirely satisfactory. It consisted largely of differences of opinion between the Governor and his Ministers, of misapprehensions and explanations by successive Secretaries of State, and of allegations and counter-allegations by the General in command and the Governor. Nothing could more forcibly have demonstrated the evils of divided government in a time of strain. The Governor, bound by the recent decision of the Colonial Office to follow the advice of his Responsible Ministers in all matters, was yet, as an Imperial official, bound also to guard the interests of the Crown, and especially to maintain its treaty obligations. The Colonial Ministry, owing its very existence to a majority in the House of Representatives, was bound to follow the trend of public opinion among the colonists. The military commander, although he was obliged to recognize the supremacy of the Governor within the colony, regarded him simply as an Imperial official, and deeply resented an alleged attempt on the part of the Colonial Ministry to communicate directly with his subordinate officers. Moreover, he was himself entitled to communicate with the Home Government through the Horse Guards, and his despatches would ultimately find their way, not to the Secretary of State for the Colonies, Sir George Grey's chief, but to the now distinct Secretary for War, the head of another department. Worse than all, the growing expense and danger of the military proceedings caused the southern provinces to long for a deliverance from the burdens of the situation at any price, and to ask for a separation from the northern districts. To this proposal it is perhaps needless to say that the Home Government returned a prompt negative; and the removal of the seat of government to Wellington in 1865 shewed that the Imperial authorities were determined to maintain the unity of the colony.

In the circumstances it is not, perhaps, surprising that the

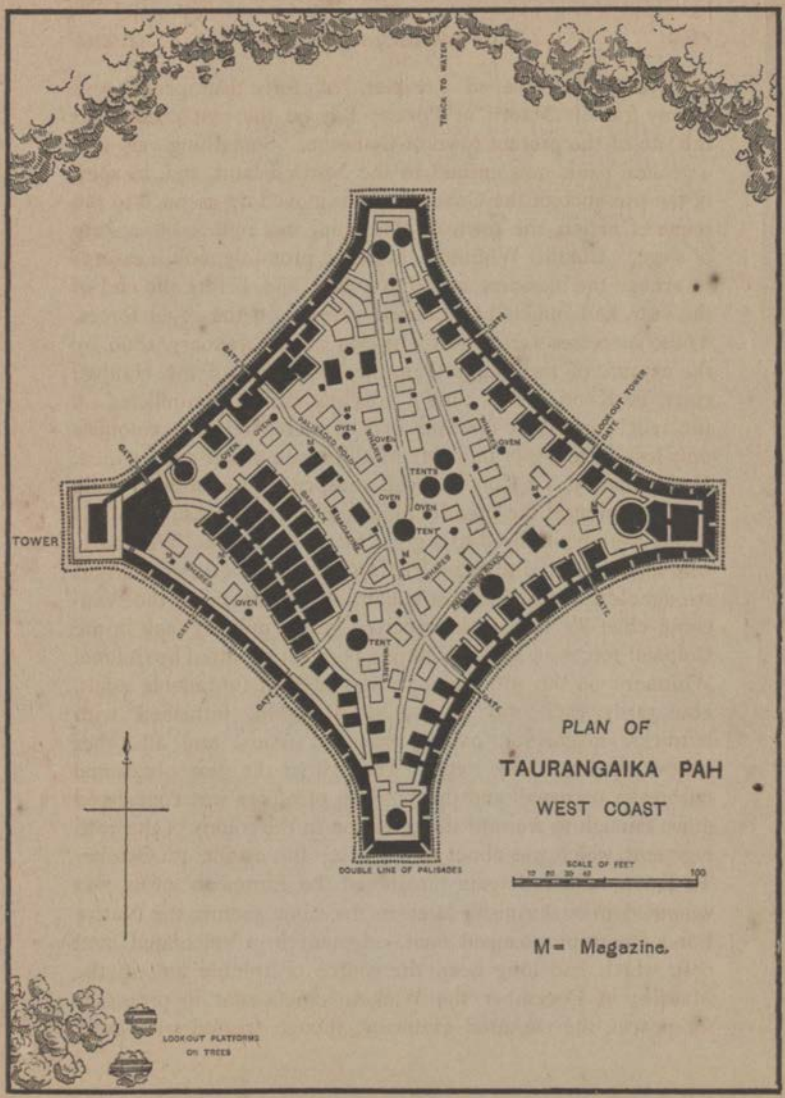
war lingered on, enlivened only by occasional skirmishes, in which the British troops were generally, but not always, successful. The policy of confiscation and settlement, however, went hand in hand with military advance, and the hostile Maoris were gradually wearied out. It was the inevitable war of races which, it is to be feared, can never have but one ending. In May 1865 the famous Waikato chief, William Thompson, made his submission on behalf of the King confederacy, and operations became practically confined to the Wanganui district, where the fanatic Hauhaus kept up a war of plunder and outrage. In spite of the unhappy differences between Sir George Grey and General Cameron, operations were pushed on by the colonial forces. In July the Weraroa Pah was captured, on the 25th December the fanatics were again defeated on the Wairoa, and on the 6th January, 1866, their last stronghold of Putahi fell into the hands of Major-General Chute, who had by this time taken over the command from General Cameron. The danger was now obviously over. One by one the British regiments left the island, and in June 1866 Sir George Grey was able to despatch by the newly-laid Pacific cable a message stating that the war was at an end.

End of the war.

But the colony was not to escape without another outbreak. In 1867 Sir George Bowen succeeded Sir George Grey as Governor of the Colony; Sir George Grey unhappily retiring in circumstances of misunderstanding and dispute which were a most unfit termination to a long and brilliant career. In 1868 the fanatical Hauhaus again broke out into rebellion, and on the 7th September the colonial forces under Colonel McDonnell sustained a severe repulse at Te Ruaruru, five officers and seventeen men being killed on the spot. This was bad enough; but almost worse was the news, which immediately followed, of the massacre by others of the Hauhaus under

Governor Bowen.

Te Kooti, an escaped prisoner, of forty Europeans and twenty friendly Maoris at Poverty Bay on the east coast, near the site of the present town of Gisborne. Something very like a general panic now ensued in the North Island, and, in spite of the presence of the Governor, who moved up at once to the scene of action, the town of Wanganui was reduced to a state of siege. Colonel Whitmore, however, promptly took measures to avenge the massacre at Poverty Bay, and, before the end of the year, had inflicted two severe defeats on the rebel forces. These successes were followed up, on the 5th January, 1869, by the capture of the Nagata Pah, the stronghold of the Hauhau chief Te Kooti. This time a crushing defeat was inflicted on the rebels, who lost upwards of 130 men, while the colonists only lost, inclusive of their Maori allies, one officer and 10 men. Unfortunately, Te Kooti himself escaped, and continued to do damage amongst the friendly Maoris of the east coast. But his efforts were neutralized to a great extent by Colonel Whitmore, who in February, and again in March captured other important strongholds, one of his most gallant supporters being the Wanganui chief Te Kepa, who received formal military rank in the Colonial forces as Major Kemp. The pah captured by Colonel Whitmore on the 3rd February was a most formidable affair, 100 yards each way at its widest point, furnished with barracks, magazines, ovens, palisaded roads, and all other necessaries for a long siege. Throughout the year occasional outbreaks occurred, and the position of affairs was considered grave enough to warrant the retention in the colony of the 18th regiment, which was about to embark. But on the 4th October Te Kooti, who had again threatened the European towns, was wounded in a skirmish; later in the same month the Native Land Court pronounced final judgment in a celebrated land case which had long been the source of trouble among the Maoris; in December the Waikato chiefs sent in proposals for peace; the captured Hauhaus, though treated with great



CAPTURED BY COL. WHITMORE ON 3RD FEBRUARY, 1869.

leniency, were sent to the Otago district to be out of harm's way; in the excitement of the gold discoveries in Westland the colonists recouped themselves for their long experience of trials and losses in the North Island. But the Maoris, though conquered, were unsubdued. In spite of the confiscations and military settlements, Sir George Bowen had to report in 1871 that they still held eleven-sixteenths of the land in the North Island, and that in the "King" country they yet firmly refused to part with their territorial rights. The old chief Wiremu Kingi was still living in sullen retirement at the foot of Mount Egmont when Sir George Bowen visited the northern settlements in 1869, and his example is typical of Maori attitude. Though he is represented in the House of Representatives and the Council, though he has rents from European tenants and schools from European rulers, yet the Maori is a Maori still. No union is possible between races so far apart in civilization and blood, and it remains to be seen whether they can peaceably dwell together in the land. Four years ago there were still upwards of 40,000 Maoris in the islands. No one who has seen them, or learnt anything of their history, can for a moment suppose that they will consent to be wiped out of existence without a struggle. They still hold ten million acres of their ancestral soil. The latest statistics seem to show that their decline in numbers has been decisively checked. There may yet be a Maori question in New Zealand.

CHAPTER XIV.

PRESENT DAY QUESTIONS.

LIMITS of space, already somewhat exceeded, forbid more than a brief reference to one or two of the more important political questions at present awaiting solution in the Australasian colonies. The equally interesting and perhaps more vital questions of education, economics, and social organization generally must be left untouched.

Political tendencies.

The key to the political movements in Anglo-Saxon communities during the past century has been the desire of the individual for political power. The extension of the franchise, the elaborate arrangements for its exercise, the developement of local government, the increasing importance of political conferences, the impatience of historic institutions which check the free exercise of popular influence, the growing desire for immediate information on political questions, are illustrations of this tendency. But all these contrivances have been already adopted in Australasia. With the extension of the franchise to women, and this is a step which, after the example set by New Zealand, the Australian colonies are pretty sure to follow, the British programme of political freedom (for British it really is, though the colonists have outstripped their teachers in performance) will be fairly exhausted. It will hardly be possible to organize a party in favour of conferring the political franchise on children. The Electoral Acts already make elaborate provision for

securing the secrecy and honest exercise of voting privileges. Local Government (in the ordinary sense) can hardly be more highly developed until the increasing wealth and population of the country districts enable them to dispense with the material assistance of the central government. The control of the constituencies over their representatives is already complete, almost too complete, owing to the adoption of the system of paid members of Parliament, with its natural result of a class of professional politicians. There are no more historic or autocratic institutions to sweep away, for the churches have been disestablished, and there are very few pensioners and scarcely any sinecure officials, while a Cabinet Minister is more accessible than a practising lawyer to the grievances of the ordinary voter. The activity of the press ensures the prompt dissemination of political news which, if it is not always very accurate, at least satisfies the appetite for discussion.

New aspect of politics in the colonies.

The consequence is that politics, in the English sense of the term, are for the present much in the background in the Australasian colonies. The difficulty of finding a political programme is a constant source of despair to aspiring politicians, and has led to something very like a travesty of the Cabinet system. The daily energies of Cabinets are devoted to purely economic questions, to the developement of the material resources of the country; and they succeed to office or retire on questions of economic detail which are sometimes mere matters of figures. Mr Herbert Spencer's ideal of a State, as a joint-stock company with a committee of management, is very nearly attained in the Australasian colonies[1]; and it is not obviously a lower ideal than the older view of the State as a great protecting agency from external and internal violence. But it seems unlikely that

[1] I must not, of course, be understood to say that Mr Herbert Spencer approves of interference by the State in economic matters. I refer only to the constitutional relationship between a Government and its subjects. E. J.

any joint-stock company would succeed if its committee of management were liable to sudden and frequent revolutions as the result of party intrigues; and it is this liability on the part of Cabinets to be turned out of office by mere combinations of place-hunters in Parliament, which is rendering Cabinet government a laughing-stock in Australasia.

Nevertheless, there are one or two questions of real political importance which, if they are not immediately pressing, cannot be lost sight of by Australian governments. The greatest of these is the question of colonial federation.

The Federation Question.

We have seen how the accidents of history have produced in the southern hemisphere a group of seven communities, closely allied to each other by blood, speech, institutions, geographical position, and (in spite of minor differences) sympathy. We have seen also that, when Australasian institutions assumed their present shape in 1856, there was no legal bond between them save the indirect bond of common allegiance to the British crown. It has long been felt, however, that it is an obstruction in the path of civic developement, and even a grave political danger, that there should be no adequate machinery by which these communities could, if need be, unite their forces without the circuitous process of Imperial organization.

Attempt of 1850.

The first step appears to have been taken by the framers of the Australian Constitution Act of 1850, who, adopting the recommendations of the Privy Council Report of the previous year, proposed to insert clauses empowering a voluntary union of any two or more colonies in a General Assembly which should have power to legislate upon certain specified subjects. The object of the framers of the report was avowedly to bring about an uniformity in colonial customs tariffs; and it may be that this very fact rendered their scheme unpopular. It must always be remembered that the Australasian colonies were founded when

England was a protectionist country; the mission of Cobden and Bright came ten years too late to convert the colonists. Whether this were the reason or not, the General Assembly clauses of the Act of 1850 received so little support in Parliament that Lord Grey was fain to withdraw them. And this in spite of the broad hint given by the Government that a body representing the united colonies would have considerable claims to be entrusted with the administration of the coveted Land Fund.

But, though the Imperial Government abandoned the clauses which provided for a common legislature, it endeavoured, with doubtful wisdom, to create a kind of common executive for the colonies of Australia. When the new commissions rendered necessary by the rearrangements of 1850 were issued, it was found that, instead of making five independent Governorships for the then existing colonies (Queensland was as yet unborn) the Colonial Office had created a Governor-Generalship of all Australia (including the Swan River settlement or Western Australia), conferring this dignity on Sir Charles FitzRoy, the then Governor of New South Wales. Further than this, Sir Charles FitzRoy was also created *Governor*, not only of New South Wales, but of Victoria, South Australia, and Tasmania, the actual administrators of the three latter colonies being merely appointed Lieutenant-Governors. And, in the Royal Instructions which accompanied the commissions, it was expressly provided that, whilst a Lieutenant-Governor should have full power to communicate directly with the Colonial Office, yet he might at any time be superseded in his duties by a personal visit of the Governor-General to his colony. With regard to Western Australia, it is difficult to see that the plan was ever intended to be more than purely formal.

This elaborate scheme proved to be entirely nugatory. The gold discoveries soon drew a great line of separation between the two colonies principally affected by them and the other

members of the group; while the strong rivalry existing between New South Wales and Victoria rendered common action almost impossible. In spite of the friendly relations between Sir Charles FitzRoy and Mr Latrobe, New South Wales and Victoria immediately adopted different revenue policies—the very result which Lord Grey's elaborate arrangements had been intended to prevent. With the retirement of Sir Charles FitzRoy from office in 1855, the Lieutenant-Governorships of the younger colonies were converted into full Governorships, and, a few years later, even the titular honour of Governor-General was abandoned.

Victorian suggestions.

In spite of the ill-success of this scheme, the new colony of Victoria, in framing its "Responsible" Constitution, suggested provision for a federal assembly, and various efforts were made during the next twenty years to give some effect to a movement the importance of which most of the best minds in the Australasian colonies were willing to acknowledge. But, until the year 1880, nothing beyond the meeting of occasional conferences was accomplished; and these conferences, though they were undoubtedly of great value in keeping alive the idea of union, and promoting friendly feelings, had little immediate results.

The Melbourne Conference of 1880.

In the year 1880, however, the prospects seemed brighter. A conference held at Melbourne in that year, between the three south-eastern colonies of the continent, discussed several important questions, and, on its adjournment to Sydney, was joined by representatives of all the other self-governing colonies, including New Zealand. Greatly strengthened by these accessions, the conference agreed upon a scheme for the introduction of an intercolonial judicial system, and, almost unanimously, upon a policy respecting Chinese immigration, a question then becoming very serious. Unfortunately, Western Australia differed from the other members of the conference on this latter topic; and the conference

failed to agree upon a measure for converting itself into a legally authorized body with power to take common action.

The Federal Council.

This step was, however, shortly afterwards accomplished. The question of French claims in the New Hebrides proved a powerful stimulus to public opinion; and, in the year 1883, a conference at which all the Australasian colonies (including Fiji) were represented, adopted a scheme for the creation of a Federal Council of Australasia, with power to legislate on specified subjects. The list of these subjects is very narrow. Practically speaking, it only includes those matters which are neither of Imperial nor of purely local interest—such as fisheries, intercolonial legal process, and the influx of criminals. And the power of the Council is almost purely legislative; it has no means of enforcing its own measures, even though, in any particular case, they legally supersede the law of a particular colony. Moreover, membership of the Council is entirely optional; and none of its measures can be enforced in a colony not represented in it. Unhappily, neither the mother colony of New South Wales, nor the colony of New Zealand, has seen its way to join the Council, which, though its existence is sanctioned by Imperial statute, and though it has done a certain amount of work, cannot be regarded as very much more than an expression of tendency in the direction of fuller union. In this capacity it has, undoubtedly, done good service.

Imperial Defence Act, 1888.

In the year 1887 a still further step, of a somewhat different character, was taken by the assembling in London of a conference of Australasian delegates, which resulted in the adoption of a scheme of Australasian Naval Defence. This scheme, which was embodied in an Imperial statute of the following year, provides for the maintenance during a period of ten years on the Australian station of a force of seven men-of-war, four of which are to be kept permanently in commission, the other three being held in

reserve in Australasian ports. The first cost of the ships is defrayed by the Imperial Government, which also makes good any losses; while the colonies pay five per cent. annual interest on the prime cost, and also the entire cost of maintenance on the peace footing, provided that it does not exceed £91,000 a year. But, in the event of war, the Imperial Government is to bear the cost of commissioning and maintaining the reserve vessels.

Conference of 1890.

The report of the Imperial Commissioner on Australian land defences, published in the year 1889, gave a fresh impetus to the federation movement. This time New South Wales took the lead, and, while declining to join the Federal Council, offered to meet representatives of the other colonies for the purpose of considering a scheme of federal government. Ultimately, after some correspondence, New South Wales so far consented to recognize the existence of the Federal Council as to agree to take part in a preliminary conference with the members of that body, on condition that representatives of New Zealand were likewise invited. The meeting held at Melbourne in February 1890 was, therefore, a meeting of the Federal Council with representatives of the colonies which had declined to join its ranks; and strong efforts were made (but in vain) to induce these colonies to adopt the Council as an *ad interim* measure. Finally, it was agreed to promote a Federal Convention of all the colonies in the following year for the purpose of devising a federal constitution. Practically, therefore, the conference of 1890 resolved itself into an intellectual demonstration. In this capacity it served its purpose. Though the attendance of the public at its debates was thin, the proceedings were widely published, and probably produced some effect.

The Convention of 1891.

At any rate, the projected Federal Convention duly met in Sydney in March 1891, and, after five weeks of animated debate, produced a draft measure.

All the colonies were represented, though New Zealand, which had already intimated that its immediate adhesion to a federal scheme could not be expected, only sent three delegates instead of the seven allotted to each self-governing colony by the resolutions of 1890.

It is not possible here to analyze at length the provisions of the measure drafted by the Convention of 1891. Briefly, it may be said that the Bill contemplates a complete scheme of federal government, legislative, executive, and judiciary. The federal parliament is (in addition to the Governor-General) to consist of two Houses, somewhat on the model of the Congress of the United States; the Senate, consisting of an equal number of members chosen by the legislature of each colony, representing the "States' Right" principle, and the popular chamber, whose members are to be chosen by the electors of each colony in proportion to its population, expressing the "National" principle. All the members of the federal parliament are to be paid for their services, and are to be incapable of sitting in colonial parliaments. The Governor-General of the Commonwealth, appointed by the Crown, is to be head of the legislature and the executive, but in both capacities he is to act as a constitutional ruler. All communications between the individual colonies and the Imperial Government are to pass through the Governor-General, while the colonies are to have the right of appointing their own Governors. This provision looks rather like a derogation from the independence of the individual colonies; but the States' Right principle is safeguarded by the fact that the scope of the federal government's jurisdiction is strictly limited by the terms of the constitution. It is not to be, as in Canada and the old constitution of New Zealand, a supreme central power with subordinate local governments; but a delegated and circumscribed authority, only interfering with the liberty of its constituents in matters

The Federal Bill.

expressly committed to it. Upon the most difficult topic of all, the question of customs duties, the constitution provides that the existing revenue laws shall remain in force until an uniform scheme is provided by the federal parliament, but that the collection of duties shall be undertaken by the federal officials, who are at once to take over, not only the customs department, but posts and telegraphs, military and naval defences, ocean signals, and quarantine.

Prospects of the Bill.

Such, in brief outline, is the scheme drafted by the Convention of 1891. The chances of its immediate acceptance are small, in spite of the action of the conference of Premiers which has just (Feb. 1895) completed its sittings at Hobart. The Bill proposes to create a new government which, though it will have little power to guide the destinies of Australia, or to develope her resources, will to an appreciable extent interfere with the action of the colonial parliaments, without adding to their dignity. No doubt it is vitally important that military and naval defences should be organized on an uniform system; but Australians have never yet keenly realized the necessity for defence organization. No doubt it would ultimately be an immense boon to Australia to have an uniform revenue system; but the immediate effect of applying the federal scheme would be to deprive the colonial parliaments, if not actually of revenue, at least of the power (which they value highly) of manipulating the revenue laws in accordance with the assumed exigencies of the moment. Primarily, the new federal government would entail a great outlay, in salaries to Governor-General, members of Parliament, Ministers, judges, and other officials; and, even if this outlay were certain to be recouped, the Australian colonies are not at present in a position to incur temporary expense. It is felt that, to be thoroughly satisfactory, the adoption of the scheme must be ratified by a popular vote; and, after this or before it, the Imperial Government will have a word to say on the terms

of the measure. On the whole, it would appear that Australian federation is one of those schemes which are too wise to secure popular enthusiasm, unless helped by some unexpected accident. Such accident may, of course, happen at any time. At present, the most that can be said is, that a few wise men in Australia believe in the policy of federation, and that there is no great popular feeling against it. It would be untrue to say more.

The Pacific Question.

Connected with the subject of federation, both historically and necessarily, is the question of British influence in the Pacific generally. Although England has succeeded in acquiring the two largest of the Pacific islands, and although the possessors of Australia and New Zealand must always occupy a predominant position in Pacific affairs, there are yet many other prizes too tempting to be overlooked. In the west, Germany and France watch with care the course of events in New Guinea and the New Hebrides; while the French penal settlement of New Caledonia is a standing grievance to the colonists who have succeeded in closing their ports to British convicts. Further east, though England has acquired the important colony of Fiji, the United States of America, as well as European nations, have no mind to permit further accessions to the British Empire, and their war-ships crowd round Samoa and other tempting spots like eagles round a dying traveller. The British Governor of Fiji is High Commissioner for the Western Pacific; and the title itself appears to other nations to be a standing menace.

New Guinea.

The troubles in connection with the Fijian group of islands, which culminated in the cession of Fiji to the British Crown in the year 1874, raised by natural association the question of the more western island of New Guinea, or, as it had formerly been called, Papua. It appeared that the claims of the Dutch, who had

undoubtedly been intimately connected with the island since the beginning of the 17th century, were confined to a somewhat uncertain portion of New Guinea towards the west, the eastern part being admittedly a sort of No-man's land. Its shores had been continually visited for survey purposes during the present century by British ships, but no assertion of sovereignty over the numerous aboriginal tribes had been made by the British Government. On the occasion of the organization of Fiji, strong representations as to the desirability of taking a similar course with regard to eastern New Guinea were made to the Secretary of State (Lord Carnarvon); but the Minister, after consulting the various Australasian governments, and finding them by no means unanimous, refused to take the step unless the colonies desiring it would undertake to contribute towards the expense likely to be incurred. The colonies were not prepared to assume this responsibility, and the Imperial Government therefore contented itself, on the organization of the Fijian government, with providing for the exercise of protective jurisdiction by the Governor of that colony in Pacific waters not claimed by any European power. Thus the matter rested, until, at the close of the year 1877, the reported discovery of gold in New Guinea again brought the question prominently forward. The news immediately attracted numbers of Australian gold-diggers, and, following in their wake, crowds of less reputable characters, who not only attempted to settle, or rather to lodge, in New Guinea itself, but took irregular possession of more than one of the numerous islands lying between Australia and New Guinea in Torres Strait, within the coast line of Queensland. Here they caused considerable trouble; and the Queensland Government, after acting as police authority in the islands in question for some little time without legal warrant, endeavoured to make its position constitutional with regard to them. In this it was successful. The British Admiralty, on the report

of Commander Heath, certified that there was no known claim to the islands in question by any foreign power, and that there appeared no serious objection to the alteration of the Queensland coast boundaries for the purpose of including them. Almost at the same time, Sir Arthur Gordon, the High Commissioner for the Western Pacific, at the request of the Queensland Government, appointed the Resident Magistrate of Thursday Island (a Queensland possession) to be a deputy commissioner for the purpose of protecting the aborigines in Murray and Darnley Islands. Also at the request of the Queensland Government, the Admiralty stationed a war-ship at Port Moresby in New Guinea. But the Imperial Government, though pressed by representative bodies of various kinds connected with the colonies, still firmly declined to extend the principle of absorption by annexing any part of New Guinea itself to the Empire.

Urgency of New Guinea question.

The pressure, however, became very great. Companies were formed in Australia for the developement of New Guinea. The Queensland Government's agent at Port Moresby began to assume more and more the character of an administrator of the country near the Port. Though the Home Government actually forbade a proposed visit to the scene of events by the acting High Commissioner during his chief's absence, this step was more than counterbalanced by the fact that the High Commissioner himself, Sir Arthur Gordon, definitely recommended annexation in November 1878. Sir Michael Hicks Beach, notwithstanding, adhered to the decision arrived at by his predecessor (Lord Carnarvon) in 1875.

Action of Queensland.

In February of the year 1883 the matter assumed a new phase by the definite offer of the Queensland government, cabled by Sir Thomas M'Ilwraith, to bear the expense of the administration of New Guinea, if the Imperial authorities would sanction its annexa-

tion. The reasons urged by Queensland were, the increasing traffic through Torres Strait, the rapid developement of coast industries, such as beche-de-mer and pearl fishing, the danger of the escape of convicts from New Caledonia, and the inadequacy of the High Commissionership.

The proposal of Queensland was being discussed by the Colonial Office in somewhat leisurely fashion, when the news reached Australia that a German association had been formed for the settlement of New Guinea. The idea was not new. Three months before Sir Thomas M'Ilwraith's message was sent, the British Government had been warned of the scheme, but Lord Granville (Foreign Secretary) declined to believe in the existence of the plan, at least so far as the German Government was concerned. The colonists took a different view; and, on the 4th April, 1883, the Queensland Government formally took possession of New Guinea in the name of Her Majesty. In this step they had the hearty concurrence of at least three of the Australian governments; and Lord Derby, who had been considerably startled by the report of the move, which reached him through an indirect channel, speedily received messages from the neighbouring colonies which convinced him of the existence of a strong Australian feeling on the subject.

Still Lord Derby declined to accede to the wishes of the colonists, and, in July 1883, he forwarded to the Governor of Queensland a despatch in which he formally repudiated the annexation, and refused, on behalf of the British Government, to do more than increase the number of deputy commissioners in the coveted territory, at the expense of the Queensland Government.

The New Hebrides question.

But the colonists did not intend to give way. Although the German Government professed entire indifference to the subject of colonization, the news that France contemplated the extension of her penal settlements in the Pacific served to heighten the excitement,

and on the 31st August, 1883, Lord Granville was induced to present to the French Government a formal protest against the dangers of the situation. The immediate fear was that France would seize upon the New Hebrides group, lying between Fiji and New Caledonia; and, although the agreement entered into between the French and British Governments in 1878, for the preservation of the independence of this group, was reported to be still in force, the rumour of French war-ships in the neighbourhood roused colonial feeling to its highest pitch. A federal convention was (as we have seen) summoned to meet at the close of the year 1883, and the Government of New Zealand went so far as to submit a bill to facilitate confederation with or annexation of the islands of the Pacific. When the convention met, it manifested the strongest and most unanimous feeling in favour of the annexation of New Guinea, the prevention of further French settlements in the Pacific, and the undesirability of allowing the French *récidiviste* policy to be carried out.

Ultimately this feeling was successful. The attitude of the German Government towards New Guinea not proving so entirely indifferent as was at first alleged, an agreement was arrived at for a partition. In April 1886 Sir Edward Malet and Count Herbert Bismarck signed at Berlin a declaration which marks out the limits of mutual acquisition in the Western Pacific. The German possession of Kaiser Wilhelm's Land, on the north-east coast of New Guinea, is definitely recognized; and an imaginary line, starting from its south-eastern corner, travels due east to the Salomon Islands, which it bisects, then north-east to the Marshall group, and finally due north to an indefinite point in the ocean. All to the west and north of this line is secured from British influence; Germany may not acquire any possession or protectorate to the south or east. Samoa, Tonga, and one or two other places,

Treaty of 1886.

already provided for by other treaties, are excluded from the Declaration.

Settlement of 1888.

The way being thus prepared, and the Queensland Government definitely undertaking to contribute for fifteen years an annual sum not exceeding £15,000 towards the expenses of the new possession, British New Guinea was, in June 1888, in pursuance of a new Act of Parliament[1] passed in 1887, definitely created a possession of the British Crown. The Government was to consist of an Administrator, a Judge, and a Secretary to the Government, with Executive and Legislative Councils, after the usual fashion of a Crown colony in the first stage. At the same time Dr (now Sir William) Gregory was appointed first Administrator. Shortly before this date, the New Hebrides question had been temporarily settled by the mutual withdrawal, on the part of both England and France, of all territorial claims, protection to life and property being secured by a Joint Naval Commission of the two countries under the terms of a Note signed at Paris in January 1888, the proposed terms of which had been previously approved by the Australasian Conference of 1887. At the same time, the English Government withdrew its objections to the formal annexation by France of the island of Raietea, to the leeward of Tahiti, which had virtually been a French possession for six years, but which had been formally recognized as independent by a Declaration of the year 1847. Unfortunately, the efforts of the British Government to prohibit the supply of ammunition and alcohol to the natives of the independent groups have been rendered largely ineffectual by the refusal in the year 1885 of

[1] The British Settlements Act 1887, which empowers Her Majesty to organize a government for any British possession acquired otherwise than by cession or conquest, and not already within the jurisdiction of the *legislature* of any British possession. For judicial purposes New Guinea is part of Queensland.

the American Government to concur in an agreement for the purpose. British regulations on the subject are, however, in force; and are strictly enforced against British subjects.

Samoa.

Allusion has been made to the treaties affecting Samoa and Tonga, and the recent offer by New Zealand to undertake the administration of the former group renders it necessary to describe very briefly the situation of the Samoan question.

The American treaty.

On the 17th Jan. 1878 the United States of America entered into a treaty with the king of Samoa, by which the Republic obtained certain trading privileges, together with a limited amount of jurisdiction over its own subjects resident in the islands. In August of the following year, the States secured the further special privilege of using the harbour of Pango Pango for commercial purposes.

The German and British treaties.

Meanwhile, in January 1879, the German Government had obtained a treaty somewhat similar to the American treaty of 1878, but containing also an important clause confirming previous land purchases by Germans in the islands. Seven months later, in August 1879, Great Britain formally entered upon the scene with a treaty securing liberty of commerce and jurisdiction, and the right to acquire a coaling station beyond the limits of the capital, Apia. Almost immediately afterwards, the consuls of the three Treaty Powers, Germany, Great Britain, and the United States, entered into an arrangement for the municipal government of the town of Apia by a Board consisting of themselves. This arrangement, which was only accepted after considerable hesitation by the Samoans, was at first for a period of four years; and its existence was justified by the necessity of securing at least a limited area in which commercial transactions could be carried on without disturbance by the native feuds which,

The municipal scheme.

unfortunately, seemed to be constantly occurring. In September 1883 it was renewed indefinitely. But a further treaty, drawn up by the consuls, with the object of creating an Executive Council for the affairs of the Samoan government, was disavowed by the Home authorities, on the ground that its provisions would reduce Samoan independence to a shadow.

Fresh troubles.

These arrangements at first produced an appearance of tranquillity; but, in the year 1885, disturbances broke out again. The truth seems to be, that the islands were plagued by the presence of independent adventurers of European birth who, under cover of acting as advisers to the native chiefs, fomented internal dissensions, to which the Samoans were always disposed; and that these feuds, complicated by disputes concerning land ownership, and commercial rivalry, kept the islands in a constant condition of civil war.

In the troubles of 1885 the German consul at Apia took a prominent part, and, though it is impossible to be sure of the rights of the matter, the reports being totally inconsistent with one another, it seems clear that his action led the representatives of the other Powers to believe that the Germans meditated annexation. To check this plan, if it really existed, the United States consul in April 1886 announced an American protectorate over the Samoan group, a step which was promptly repudiated by his Government. The situation was complicated by the presence of war-ships belonging to the various Powers, and by the ever-present feuds of the natives. It was clear that something decisive had to be done.

The special Commission.

In the spring of the year 1886 the Governments of the three Treaty Powers agreed to hold a local enquiry by specially appointed Commissioners, with the object of coming to some arrangement concerning the future of the Samoan group. The consuls were recalled, in order to leave the field clear, and in the autumn the

Commissioners met. Unfortunately, it soon appeared that they would not agree. Germany was strongly in favour of the administration of Samoa by a single European power, which, presumably, meant Germany herself. Great Britain and the United States declined to allow the extinction of Samoan independence. The negotiations of the Commissioners came to an end in 1887; but not before a new element of danger had manifested itself in the appearance of an European envoy from the native Court of Hawaii, with a mission to establish a native "Polynesian Empire." At the beginning of the following year the Treaty Powers withdrew from the municipal scheme of 1879.

In October 1888 civil war again broke out in the islands, a new claimant to the throne threatening to prove a formidable rival to the existing combatants. In January 1889 this new aspirant (Mataafa) came into collision with the German representative; and the encounter was followed by a state of affairs which was, practically, war between Germany and Mataafa's followers. As it was quite evident that the other Powers would not allow Germany to effect a military conquest of the islands, Prince Bismarck, in February 1889, proposed the holding of a Conference at Berlin upon Samoan affairs, and the proposal was ultimately accepted both by Great Britain and the United States, on the condition that hostilities were at once suspended.

New civil war.

The Conference was duly held, and, on the 14th June, 1889, the Powers agreed to an Act regulating the affairs of Samoa. The chief terms of the Treaty were the establishment of a Supreme Court and a revival of the municipal council at Apia. But the council was not, as before, to consist of consular representatives, but of persons elected by the residents, consuls being expressly excluded. Moreover, the council was to be presided over by a

The Berlin Conference and Act.

President chosen with the consent of the Treaty Powers, or, failing their agreement, by some independent authority. At the head of the Supreme Court, which was to have exclusive jurisdiction over land questions in which Europeans were interested, as well as in suits between persons of different nationalities and crimes committed by natives against foreigners, was to be a Chief Justice, also nominated by the Treaty Powers or, failing their agreement, by the King of Sweden. For small cases there was to be a magistrate appointed by the municipal council. Perhaps most important of all, the Treaty provided that purchases of land by foreigners from natives should only be permitted under strict regulations, and that there should be an investigation of pending claims.

Tonga.

British relations with Tonga are regulated by a Treaty signed on the 29th November, 1879, modified by an amending Treaty of the 2nd June, 1891. By these documents Great Britain acquired the rights of the "most favoured nation" in Tonga, and the High Commissioner for the Western Pacific was empowered to try offences committed against British Law by a British subject in Tonga, as well as all civil suits brought against British subjects there. The career of the "Honourable and Reverend" Shirley Baker, officially recorded in the Blue Books, and more popularly described in *The Diversions of a Prime Minister*, affords as good an illustration as could be desired of the state of politics in Tonga, and, probably, in the other independent Pacific islands.

General character of the Pacific Question.

On the whole, the Pacific question can hardly be considered to be in a satisfactory state. That the eyes of European powers are turned longingly towards the fair islands of the archipelago, is abundantly clear. That the condition of the native races in the islands is such as to afford constantly recurring pretexts for interference, almost every mail brings testimony. To the present date the diplomatic arrangements, cautiously superficial

and hypocritically maintaining a show of indifference, are utterly inadequate to decide in advance the complicated possibilities of a general scramble. Fortunately, the local jealousies of the natives themselves render it most improbable that anything like a wide-spread league of the coloured races will provoke a general war against the native inhabitants of the Pacific islands. But this very fact only renders the more probable a long series of irritating difficulties, each in itself of little importance, but each capable, under favourable circumstances, of provoking a breach between rival colonizing Powers.

With the Pacific question the Australasian colonies are especially concerned, not merely by their geographical position, but by the thorny subject of Polynesian Labour. And this again links it with the equally important question of Northern Separation in Queensland, about which it would be very desirable to know something definite, but as to which it is, unhappily, almost impossible to obtain trustworthy information. However, it appears obvious that the vast territory of Queensland, with its seat of government at the extreme south-eastern corner, cannot be properly administered by a single office. This the moderate men of all parties seem inclined to admit. Already a foreshadowing of separation appears in the divisions into which, for judicial, mining, and some other purposes, the colony is distributed; and such divisions will recall similar incidents in the history of New South Wales. Equally clear are the social and economic differences between the tradesmen and artisans of Brisbane and the south, the great squatters of the Darling Downs and the inland plains, the gold miners of the townships on the eastern cordillera, and the new industries of the tropical north, the sugar and cotton planters, the traders in pearls and other products of the Gulf of Carpentaria. But, unfortunately, these interests do not seem to coincide with any definite geographical areas, and, in consequence, instead of a projected

Northern Separation.

Northern separation only, we hear now of Central and Northern separation; and the distribution of state railways, the direction of state roads, and the alienation of state lands are all coloured by the possibilities of future subdivision. One reason for the increased complexity of the question appears to be the rapid developement of the extreme north, the districts watered by the Flinders, Albert, and Leichardt rivers. A few years ago it was assumed that Northern Queensland meant a strip of territory behind the north-east coast, of which Rockhampton, Mackay, Wickham, and Townsville were the ports. Now, with the annexation of British New Guinea and the developement of the Gulf trade, this Northern District has, in a sense, become central; and the question has assumed a new aspect. One thing it is interesting to notice—that Separation is not opposed to Federation. In fact, the late Mr Macrossan, who, till his death in 1891, was the great representative of Northern Separation, was likewise one of the most ardent advocates of Federation. But the Polynesian labour topic divides the Northern District against itself; for the sugar and tobacco planters, a rapidly increasing interest, cannot, by their own showing, work their plantations without kanaka labour, and they are indisposed to agree to separation without a guarantee against prohibition. The white men of the labouring classes, on the other hand, hate the coloured labourers, and are bent on driving out the kanaka and the Chinese, or at least on restricting coloured labour within the very narrowest limits. There have, of course, been ugly revelations in connection with the supply of Polynesian labourers, and the troubles at Apia and other places, which have so complicated the Pacific question, have generally been provoked by the kidnapping tendencies of the merchants engaged in the labour traffic. It is equally true that the general sentiment of the Australasian colonies is powerfully against the admission of coloured races; as witness the almost universal legislation restricting the im-

migration of Chinese. On the other hand, the danger of a preponderance of the coloured races hardly seems imminent. The last published official statistics of Queensland do not, apparently, state the actual number of coloured persons in the colony[1]. But as in the year 1893 the Chinese immigrants only exceeded the departures by 14 (548 against 534), while the Polynesian arrivals actually fell short of the departures by 131 (1212 against 1343), the rate of progress, if any, of the coloured races cannot at present be very rapid, for neither the Chinese nor the Polynesians bring their women with them to any appreciable extent. And with the precautions now adopted by the Queensland government against cruelty, there need be no wrong done to the Polynesians themselves by the system.

Glancing back over the century of Australasian progress, we are at once struck with commonplace astonishment at the rapidity and success of it. Men are now living whose fathers could remember the time when no white man lived within the four coasts of Australia, when no building more permanent than a savage's hut stood upon its surface. Where the city of Melbourne stands to-day, with its modernness and its artificial life, sixty years ago there was nothing but a silent plain, sparsely dotted with clumps of trees, and occasionally visited by blackfellows and kangaroos.

Australasian progress.

But this reflection is trite and useless without some explanation. Why has Australasian progress (the word being used in its purely scientific sense) been so rapid?

Apparently because no other colonization, at least in modern times, has been so exceptionally free from adverse circumstances. The Teutonic

Reasons for it.

[1] The late Mr Hayter (the Victorian Government Statist) put the Chinese in Queensland in the year 1891 at 8574. This was about one-fifth of the entire population.

races which colonized Europe at the beginning of the present era, found themselves face to face with a mighty civilization, which, tottering as it was, overawed them and stunted their developement. They had to descend into the night of the Middle Ages, before they could emerge with new ideals of progress, suited to the coming time. The colonization of America was effected by rival nations, whose mutual jealousies long hindered any rapid developement, and whose individual efforts were often hampered by narrow systems of political administration. The colonization of India—for colonization there has been as well as conquest—was likewise hampered by rival nationalities, as well as by the existence of a dense native population and a tropical climate. The colonization of South Africa, both by the Dutch and the English, has been more than once threatened by the hostility of powerful native races, as well as by disputes between the rival colonists. Perhaps the great rush towards the western lands of America, which began after the close of the Civil War, comes nearer than aught else to the colonization of Australia.

For in this colonization there has been scarcely one of the difficulties which have threatened other attempts. The colonists have (with trifling exceptions) been all of one nation. Save in New Zealand, there has been no serious native opposition to face. The mother country has poured out her treasure and her brains for the service of her favourite children. No tax has been laid upon Australian industry for the benefit of English merchants. The outflowings of a populous and free country have provided a generous stream of vigorous immigrants. A genial climate and a fruitful soil have rewarded honest effort with a liberality which is the best incentive to further effort. Even the twelve thousand miles of sea which lie between Australia and her base of supplies have proved an advantage rather than a drawback; for they have acted as a discouragement to the advent of the penniless

loafer, whose arrival would have been a curse and not a blessing.

Therefore the immediate prosperity has been great. But it does not follow that the prosperity has been without its dangers. The success of Australian endeavours hitherto has produced a buoyancy which too often degenerates into recklessness, a generosity which is sometimes perilously akin to extravagance. The good results which, in really sterling characters, follow upon an experience of struggle and adversity, have not had an opportunity of manifesting themselves in Australia. The visitor is struck with the absence of originality in the life. It is almost a reproduction of English life a few years before. Instead of stepping forward ten years, as he expects, when he lands on the shores of Australia, he seems to have slipped ten years back. The so-called originality of Australian politics amounts principally to this, that the reform party in Australia has succeeded in doing what the reform party in England has only tried to do. There are few new ideas; the colonists have brought a fairly complete stock of ideas with them, and they have seen no reason to change them. Three of the colonies have good reason to boast that their civilization has never been soiled by the touch of servile labour, that the toil which has gone to the building up of their state has been willing toil. This is a boast which few other communities can make, but its importance may easily be overrated. How much of the existing civilization of European countries is due to forced labour? Forced labour is a memory of the past even in Europe. And why was it discontinued? Mainly because it was found cheaper to pay than to maintain workmen. So it has been in Australia. Absence of forced labour does not mean that men have voluntarily sacrificed themselves for the public good. They have served the highest bidder. The State in Australia is no more voluntary than in Europe. Devotion to the public good, although it has existed

in the Australasian colonies, has been as rare in the new world of the south, as in the old world from which it sprang.

But we must not end in a minor key, for hope and courage are the watchwords of Australia. Such faults as we see are the faults of youth. When time has brought wisdom, and experience has ripened originality, we shall learn of what stuff the Australians are made. When the immediate influence of the immigrant has died away, then we shall look to the native-born race to build up a new civilization which, while retaining what is good in the traditions of the old world, shall lead the way to still happier conditions in the new. It would be rash to prophesy the lines on which it will develope—whether as a great unity symbolized by a federal Parliament, or as a group of small and vigorous independent communities, or (which seems best of all) as a body of loosely linked allies working in honourable rivalry towards a common end. But, whatever be the plan, the result must be good. With a people to whom war is scarcely more than a name, with a land in which no one with health and honesty need want, with boundless opportunities for enterprise, with a health-giving and inspiring climate, with traditions of a great mother-land as proud of her children across the sea as they of her, Australasia can look with sure and steadfast hope into the unknown future. Standing midway between the use and wont of Europe and the feverish unrest of America, she seems to hit the golden mean which to so many thinkers has seemed the perfect state. Just as she holds, by her political position, the middle place between dependence and isolation, so can she cling to all that is noble in the past, whilst ever striving after the good which the future has in store.

STATISTICS OF THE AUSTRALASIAN COLONIES.

[The following figures are, for the most part, taken from the Official Handbooks published by the respective Colonies, compared with the *Statistical Abstract* of the Board of Trade.]

Name of Colony	1801	1821	1841	1861	1891	Remarks
New South Wales	5,547	29,783	149,669	358,278	1,132,234	
Victoria	.....	.....	20,416	541,800	1,140,405	
South Australia ...	.....	.....	14,600*	126,830	320,431	
Tasmania.....	.....	5,827	57,420	90,211	152,619	
Western Australia	.....	.....	2,311	15,691	49,782	
Queensland.....	.....	.....	.....	34,885	393,718	
New Zealand	.....	.....	5,000†	99,021	634,058	Exclusive of Maoris

* **1840**. The figures for **1841** do not, apparently, survive. † Obviously only an estimate.

LAND UNDER CULTIVATION (in acres).

Name of Colony	1801	1821	1841	1861	1891	Remarks
New South Wales	9,197	.....	115,130	297,575	1,241,419	Including
Victoria	.....	.....	4,881	439,895	2,652,768	(in most
South Australia ...	.....	.....	6,722	486,667	2,533,291	cases) sown
Tasmania.....	.....	14,940	132,614	248,064	516,930	grass lands
Western Australia	.....	.....	2,921	27,018	131,900*	
Queensland.....	.....	.....	.....	3,353	278,925	
New Zealand	.....	.....	.....	226,621	8,893,225	

* Estimate (Blue Book).

IMPORTS.

Name of Colony	1801	1821	1841	1861	1891	Remarks
	£	£	£	£	£	
New South Wales	.....	.....	2,527,988	6.391,555	25,383,397	
Victoria	.....	.....	364,399	13,532,452	21,711,608	
South Australia ...	.....	.....	288,348	1,976,018	10,075,992	Including Port Darwin
Tasmania.....	.....	22,214*	851,981	953,517	2,051,964	
Western Australia	.....	.....	.....	147,913	1,280,093	
Queensland.....	.....	.....	.....	967,951	5,079,004	
New Zealand	.....	.....	85,062	2,493,811	6,503,849	

* **1822**. The figures for **1821** do not, apparently, survive.

Name of Colony	1801	1821	1841	1861	1891	Remarks
	£	£	£	£	£	
New South Wales	.....	.....	1,023,397	5,594,839	25,944,020	
Victoria	.....	.....	198,783 *	13,828,606	16,006,743	
South Australia...	.....	.....	104,647	2,032,311	10,656,446	Including Port Darwin
Tasmania.....	.....	57,928	630,501	905,463	1,440,818	
Western Australia	.....	.....	.....	95,789	799,466	
Queensland.....	.....	.....	.....	709,599	8,305,387	
New Zealand	.....	.....	10,836	1,370,247	9,566,397	

* **1842.**

REVENUE*.

Name of Colony	1801	1821	1841	1861	1891	Remarks
	£	£	£	£	£	
New South Wales	.....	36,231	493,980	1,448,610	10,047,152	
Victoria	.....	.....	84,000 †	2,952,101	8,343,588	
South Australia...	.....	.....	25,329	558,587	2,829,453	
Tasmania.....	.....	20,389 ‡	85,946	256,958	883,198	
Western Australia	.....	.....	9,709	67,261	497,670	
Queensland.....	.....	.....	.....	238,239	3,350,223	
New Zealand	.....	.....	37,390	691,464	4,146,231	

* The Revenue is exclusive of loans (except in the case of Victoria).
† **1842**, and exclusive of Land Fund. ‡ **1823**.

EXPENDITURE*.

Name of Colony	1801	1821	1841	1861	1891	Remarks
	£	£	£	£	£	
New South Wales	.....	267,115†	232,298	1,540,005	10,478,673	
Victoria	.....	.....	85,000 ‡	3,092,021	9,128,699	
South Australia...	.....	.....	89,999	482,951	2,768,353	
Tasmania.....	.....	.....	.....	324,447	851,559	
Western Australia	.....	.....	13,954	81,087	435,622	
Queensland.....	.....	.....	.....	299,606	3,684,655	
New Zealand	.....	.....	81,541	(No returns)	4,653,891	

* The Expenditure is exclusive of repayments of loans (except in the case of Victoria).
† In **1822**. ‡ **1842**.

BIBLIOGRAPHICAL APPENDIX.

[As explained in the Preface, the author has relied for his material almost exclusively upon original sources of information. It being, however, part of the plan of the series to which this book belongs, to include a reference to works dealing with the subject, for the information of those readers who may wish to pursue their studies further, a short list is here appended. But the author must, at the risk of appearing ungracious, expressly disclaim responsibility for the accuracy of the works cited, some of which are valuable rather as illustrations of Australian character than as records of facts.]

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INDEX.

Abercrombie, river, goldfield on the, 211
Abolition of Provinces Act, effect of, N. Z., 204
Aborigines, of Australia (mainland), 16; Tasmania, *ib.*, 84; attacks by, 35; policy of Arthur towards, 85; bolder policy (1830), *ib.*; taken in hand by Robinson, 86; settled on Flinders Island, *ib.*; removed to Port Phillip, *ib.*; settle at Oyster Bay, 87; now extinct, *ib.*; in W. Australia, 118; useful servants, 120; Eyre's companion murdered by, 262; hostility of to Stuart, 265; Burke and Wills kindly treated by, 268
"Aboriginal Districts," in N.Z., project of, 193
Active, the (Marsden's ship), arrival of in N. Z., 169
Adelaide, site of, fixed by Light, 132; reached by Eyre from Sydney, 261; Grey's explorations between Victoria and, 263
Adelaide (R.), Stuart reaches, 266
Adventure (Cook's ship), 13
Agriculture, starting of, in Tasmania, 76; in W. A., 116
Akaroa, French settlement at, 171; exempted from claim of Canterbury Association, 197
Albany (King George's Sound), reached by Eyre, 263
Alcohol, attempt to prohibit supply of, in Pacific, 304
Alexandrina, Lake, Sturt discovers, 258
Alligator, the, Busby assisted by, 171
American Colonies, loss of, 21
America, United States of, their policy in connexion with Samoa, 305–7
Ammunition, attempt to prohibit supply of, in Pacific, 304
Anderson's Creek, gold-diggings, 213
Apia, municipal scheme at, 305; action of German Consul at, 306; municipal Council at, 307
Appeals, Court of, in N. S. W., 152; constitution of, altered, 157; abolition of, 159; constituted in N. Z., 180
Arawa tribe, fight for British, 285
Armitage, appointed Resident Magistrate by Grey, 281
Arthur, Governor, succeeds Sorell, 81; pledged to convict system, 82; suppresses revolt at Macquarie Harbour, 83; his war against aborigines, 84, 85; Van Diemen's Land Company and, 87; retires, *ib.*; accused of nepotism, 88; progress under, *ib.*,
Assessors, military, superseded, 54
"Assignment System," explanation of, 60; continuance of, 61; maintenance of in Moreton Bay District, 110
Auckland, founded by Hobson, 177; seat of Government transferred to, *ib.*; Quarter Sessions at, 180; receives charter, 199; in state of defence, 279

Auckland (Province), created, 200; abolished, 204
Auction, public, for sale of Crown lands, introduced by Lord Ripon, 62; sales introduced, 69; sales, *ib.*
Augusta (W. A.), founding of, 118
Australasia, definition of, 2
Australia, definition of, 1; described by Wytfliet, 6; probably sighted by Torres, 8; by the *Duyphen*, *ib.*; visited by Hartog, *ib.*; by Carstenz, *ib.*; by Tasman, 9; by Dampier, 10; by Cook, 12, 14; scenery and climate of, 15; products of, 16; aborigines of, *ib.*
Australia Felix, Mitchell's account of, 98; viewed by Mitchell, 259
Australian Agricultural Company, coal mines handed over to, 39; grants of land to, 62
Australian Alps, crossed by Hume and Hovell, 255
Australian Naval Defence, scheme of, adopted, 295
Australian Pyrenees, crossed by Mitchell, 259
Australind, settlement at, 121

Backhouse, Quaker, visits Macquarie Harbour, 83
Baker, Rev. Shirley, career of, in Samoa, 308
Balboa, Vasco Nunez de, discovers the Pacific, 5
Ballaarat, disturbances at, 222-5
Ballot system introduced into colonies, 248
Barker, Captain, examines St Vincent's Gulf, 129; slain by blacks, *ib.*
Barrett, assists the Taranaki purchase, 274
Bass, Surgeon, his voyage on south coast of Australia, 14; expedition of, in search of coal, 38; voyages of, 39; discovers Bass' Strait, 40; circumnavigates Tasmania, *ib.*
Bathurst, Lord, creates first Legislative Council in N. S. W., 55; partially separates Tasmania, *ib.*; Land Regulations of, 61, 62
Bathurst plains, discovery of, 50, 254
,, town of, founded, 51; gold brought into, 211
Batman, John, leader of Port Phillip Association, 95; lands at Port Phillip, 96; settlement at Indented Head, 97; Dutigalla claimed by followers of, *ib.*; dispute between Fawkner and, *ib.*
Baudin, Commodore, expedition of, to Van Diemen's Land, 73
Bay of Islands, casual settlers at, 167; Busby Resident Magistrate at, 171; seat of Government removed from, 177; rivalry with Wellington, 181
Beach, Sir Michael Hicks, his views on New Guinea Question, 301
Beagle, the, voyage of, 89, 259
Bearbrass, old name of Melbourne, 99
Beef, price of, in N. S. W., 67
Bentley, keeper of Eureka Hotel, 222; arrested, 223
Bendigo, diggers, petition of, 220
Berlin, Samoan Conference at, 307
Bismarck, Prince, proposes Conference on Samoan affairs, 307
Bismarck, Count Herbert, signs Berlin declaration, 303
"Black trackers," 17
"Black War," failure of, 84
Blaxland, crosses Blue Mountains, 50
Bligh, captain of the *Bounty*, 32; succeeds King as Governor of N. S. W., 46; character and life of, *ib.*; prohibits liquors, 47; imprisoned by Johnston, 48; set at liberty, 49; visits Tasmania, 77; appears at Hobart, 78; returns to Sydney, *ib.*
Blind Bay, settlement of, by N. Z. Company, 181
Blue Mountains, country to west of, discovered, 50; crossed, 254
Board of Trade, recommends separation of Port Phillip, 107
Border Police, organizing of, 64

Botany Bay, visited by Cook, 13; suggestion to colonize, 24; reached by *Supply*, 28; deserted by expedition, 29
Bounty, the, mutineers of, 32
Bourke, Governor, 56; proclaims Port Phillip, 99; lays site of Melbourne, &c. *ib.*; Executive Council, 156
Bowen, Governor of N. Z., 287; report on Maoris, 289
Brahé, (explorer) conduct on Burke's and Wills' expedition, 267–9
Brisbane, Sir Thomas, enterprises of, 53; events of governorship, 53–56
Brisbane Downs ("Monaroo") explored, 255
Brisbane, founded, 109
Brisbane (R.), explored by Cunningham, 256
British Settlements Act, passing of, 304
Brosses (French writer), invents name "Australasia," 6
Browne, Gore, succeeds Wynyard in N. Z., 247; proclamation in Maori War, 277
Bruni Islands, aboriginal settlement on, 86
Buckinghamshire, division of V. D. L., 74
Buller River, gold discoveries on, 203
Buninyong, gold-diggings at, 213
Burke (explorer), expedition of, 267–9
Burra, copper-mines, 135
Busby, James, Resident Magistrate at Bay of Islands, 171–172
Bushranging in Tasmania, 77; attempts to repress, 79; checked by Sorell, 80

Cabinet System, features of, 239–240; difficulties in its adoption, 240
Calcutta, the (warship), arrival of, at Port Phillip, 73
California, discovery of gold in, 207–209
Camden estate, wool growing on, 45
Camels, used on the Burke and Wills expedition, 267
Cameron, General, arrival of, in N. Z., 280; reflections on Grey by, 282; storms. Katikara Pah, 283; defeated at Gate Pah, 285; differences between Grey and, 286–7
Campbell, Duncan, transportation agent, 23
Campbell, J. J., prosecution of, by Marsden, 153
Canterbury Association, incorporated, 196; contract between N. Z. Co. and, 196–7; pre-emptive claims of, recognized, 197; power of, to dispose of Crown Lands abolished, *ib.*
Canterbury (Province), created, 200; special reservations for, 201; separation of Westland, 203; province abolished, 204
Canterbury Settlement, formation of, 196–7; province of N. Z., 197; legislation for, 201
Cape Tribulation (Queensland), named by Cook, 13
Capital, scarcity of, in N. S. W., 67
Cargill, leader of Otago Settlement, 196
Carnarvon, Lord, policy of, regarding New Guinea, 300
Carpentaria, Gulf of, reached by Stuart, 265
Carstenz (Dutch explorer), names Gulf of Carpentaria, 8
Castle Hill, insurrection at, 44
Cattle, introduction of, into S. Australia, 133
Champion Bay, settlement of, 125
Chatham, Lord, protests against follies of Government, 21
Chief Justice, for Supreme Court, 156; power over legislation, 158; power abolished, 160; introduced into N. Z., 180; at Apia, 308
Chinese question, origin of, 110; on Bendigo diggings, 222; immigration, 294; in Queensland, 311
Chute, Major-General, takes Putahi, 287
Circular Head, named, 40

Circuit Courts, institution of, in, N. S. W., 159
Clarke, wrecked at Point Hicks, 38; discovers coal, *ib.*
Clarke, Rev. W. B., claims to be the first discoverer of gold in N. S. W., 207
Climate of Australia, 15; of New Zealand, 17.
Clunes, gold-diggings at, 213
Coal, discovery of, by Clarke, 38; at Hunter river, *ib.*; mines worked by convicts, 39; transferred to Australian Agricultural Company, *ib.*; worked on competitive principles, *ib.*; discovery of, in W. Australia, 125
Coaling station in Samoa, 305
Cockburn Sound, navigation of, 116
Collins, Captain, expedition of, to Port Phillip, 73; joins Bowen at Risdon, 74; founds Hobart Town, *ib.*; befriends Holt, 75; death of, *ib.*
Colonial Land and Emigration Commissioners, Board of, see "Commissioners"
Colonial Office, first appearance of, 142; abolished, 146; reconstituted, 147; long appoints all officials in Australia, 148; suggests introduction of Responsible Government, 233
Colonial Treasury, maintenance of convict establishment by, 90
Colonies, American, loss of, 21
Colonization Assurance Company, formation of, for W. A., 122
Colonization Commissioners for S. Australia. See "Commissioners"
Columbus, discovers America, 4
Commissioners, Colonial Land and Emigration, Board of, 64; mode of selling land in Victoria does not suit, 102; interest of, in S. A., *ib.*; fixed price system recommended by, 102
,, Colonization for S. A., appointed by statute (of 1834), 130; powers of, 131; abolished, 137
,, of Crown Lands, created by statute (of 1833), 63; control Border Police, 64; Hargraves appointed one of, 209
Commissioners for the Goldfields, appointment of, 211; reforms recommended by, 226
Commissioner, High, for W. Pacific, 299, 308
Commissioner, Resident, appointment of, in S. A., 120
"Compacts" (of 1856 and 1867), in N. Z., 202
"Compagnie Française de Nouvelle Zélande," formation of, 171, claims bought up by N. Z. Company, *ib.*
Confiscation, measures of, in N. Z., 284
Constituent Assembly, of Colonies, 296
Constitution (N. S. W.), (of 1823), 54; (of 1828), 58; (of 1842), 65; 160–1
,, (N. Z.), new, 191; suspension of, 194; (of 1852), 200–3
Convicts, value of, 23; "assigned," *ib.*; Gibraltar suggested labour ground for, 24; settlement, scheme for, 25; Orders in Council for, 26; on Gov. Phillip's expedition, 28, health of, 30; sent to Norfolk Island, 32; entitled to grants of land, 34; coal-mines worked by, 39; insurrection, 43; appearance of Irish, 44; policy of Macquarie towards, 49; allowed to give evidence, 55, 157; partial remission of sentences of, 56; reconvicted, separate settlement for, *ib.*; of Tasmania, 76; escape of, 77; feeling against, 81; system, Arthur pledged to, 82; removal of, from Norfolk Island, 90; maintained in Moreton Bay District, 110; immigration of into W. A. proposed, 123; good effect of, 124; cessation of, 126
Cook, James, first voyage to South Seas, 12; visits Tahiti, *ib.*; N. Z., *ib.*; Australia, *ib.*; names Botany Bay, 13; New South Wales, *ib.*; his second voyage, 14; his third voyage, 14; visits Hawaii, *ib.*; Alaska, *ib.*; is murdered, *ib.*

Cook Strait, alleged purchase of land near, 172; settlement at, separated from New Ulster, 193
Cooper's Creek, expedition of Burke and Wills reaches, 267; Brahé left at, *ib.*; return of Burke to, 268
Corio Bay, Hume and Hovell reach, 93; Geelong founded on, 97
Corner Inlet, Orr's explorations at, 263
Cornwall, division of Tasmania, 74
Corps, New South Wales, arrival of, 34; engage in spirit trade, 42
Coromandel Ranges, (N. Z.), discovery of gold in, 213
Cotton planting in W. A., 114; in Northern Queensland, 311
Council, Executive, origin of, 154; formation of, 155; importance of, *ib.*; non-official councillors members of, *ib.*; connection of Bourke with, 156; separate for daughter colonies, *ib.*; separate for Tasmania, 159; creation of, in N. Z., 178; for Samoa, proposed, 306
„ Federal, created, 295; N.S.W. agrees to meet members of, 296; rejected by conference, 1890, *ib.*
„ Legislative (of N. S. W.), first creation of, 55; independent members introduced into, *ib.*; enlarged, 58; powers of, *ib.*; representation introduced into, 65; powers of, 66; no initiative allowed to, 158; power of Chief Justice over, *ib.*; power of Crown to increase, 159; new, provided for by statute (1842), 161; members of, elected from Victoria, *ib.*; Land Fund exempt from control of, *ib.*; hereditary proposed, 236; to consist of nominee members, *ib.*
„ Legislative (of N. Z.), creation of, 178; passes Crown Lands Ordinance, *ib.*; new, 191; revival of old, 194; new, 201
„ Legislative (of S. A.), authorized by statute (of 1838), 136; creation of new, 138; elective, 237
„ Legislative (of Tasmania), creation of, 159; power of Crown to increase, *ib.*; elective, 237
Council, Legislative (of Victoria), made elective, 237
„ Legislative (of W. A.), nomination of colonists to, 120; report on immigration by, 122; suggested reforms of, 127; made partly elective, 128; under Responsible Government, 251
„ Legislative (of Fiji), 251
„ under Responsible Government. See "Upper Chambers"
„ Municipal, at Apia, 307
„ of Foreign Plantations, constituted, 142; abolished, *ib.*; revived, *ib.*; again abolished, *ib.*; reconstructed, 147
„ Privy, relations with the colonies, 145; appeals from Colonial Courts, 152, 159
„ of Trade, formation of, 142; amalgamated with Council of Foreign Plantations, *ib.*; abolished, *ib.*; revived, *ib.*; again abolished, *ib.*; reconstituted as Board of Trade, 147
„ of Trade and Navigation, attempt by Cromwell to constitute, 142
„ of Trade and Plantations, abolished, 21; origin of, 142; abolished, *ib.*; revived, *ib.*; again abolished, *ib.*
„ Provincial (in N. Z.), 198; creation of, (by Constitution of 1852), 200; first meeting of, 202; relations with General Assembly, *ib.*
Councils, District, attempted introduction of into N. S. W., 162
County Courts, Courts of Requests replaced by, in N. Z., 180
Courts of Justice, first in Australia, 150
Cowpastures, Macarthur at, 45
Cows, price of in N. S. W. (in 1796), 35
Cracroft, Captain, assists Gold in defence of New Plymouth, 279
Crown Colony, definition of, 147-8
Crown Lands, grants to free men, 34; to convicts, *ib.*; to Macarthur, 45;

to ex-convicts, 49; Darling accused of favouritism in, 57; theory of Crown ownership of, 59; connection with assignment system, 60; squatting on, *ib.*; Regulations (of 1824), 61; grants to land companies, 62; Regulations (of 1831), *ib.*; Commissioners of, 63; Gipps' policy with regard to, *ib.*; Colonial Land and Emigration Commissioners, 64; Rule of 1840, *ib.*; Regulations (of 1842), 65; division of N.S.W. into 3 districts for, *ib.*; in South Australia disposed of by allotment, 102; Regulations of 1840, *ib.*; nullified by Gipps, 103; Land Sales Act (1842), 104; efforts of Opposition against, 105; Commissioners, appointment of, in Moreton Bay District, 110; price of, in S. Australia, 131; distribution of Land Fund, 229; repeal of Land Sales Act, 235

Crown Lands (in New Zealand), Gipps' Proclamation, 173; Hobson's Ordinance, 180; ordinance reducing price of, 181; disallowed, *ib.*; effect of Land Sales Act on, 182; Fitzroy's proclamations, 184; Grey's policy towards, 188–9; changes by Constitution (1846), 189; squatting on, 190; statistics of, 190–1; N. Munster lands vested in Company, 195; power of Canterbury Association to dispose of, abolished, 197; Provincial Councils authorized to dispose of, 202

- Fixed Price System, adopted in Port Phillip, 102; abolished by Gipps, 103
- Free Grants of, to marines, 34; to convicts, *ib.*; to ex-convicts, 49; in Tasmania, 80; to V.D.L. Co., 87, to Messrs Henty, 95; in W. A., 113; prohibition of, in S. A., 131; promised to N. Z. Co., 179
- Land Fund, policy of, 59; reserved from Colonial Governments, 64; creation of separate, 65; development of, in W. A., 124; gold revenue detached from, 218; expenditure of remaining part of, 219; distribution of, in public works, 229; emigration, *ib.*
- Land Sales Act (1842), 104; opposition to, 105; effect of, in N. Z., 181; modification, 189; repeal of, 235
- Pre-emptive Clauses, in N.S.W., 70, 71, in Victoria, 216

Crown Lands Commissioners. See "Commissioners"

Cunningham's Gap, pass to Moreton Bay, 109, 256

Cunningham, Allan (explorer), his account of Australian exploration, 254, journey of (1827), 256

Curlew Island, explored by Flinders, 41

Customs, revenue from, handed over to Colonial Governments, 160; colonies allowed to impose Customs duties, 164; increase of revenue in N. Z., 198; management of, in N. Z., given to General Assembly, 200; revenue, collection of, 229; transfer of 230

Customs duties, question of, in Federal Bill, 298

Customs tariffs, attempted uniformity in, 292

Dalrymple, Australian explorer, 270

Dampier, William, first voyage to Australia, 10; second voyage, 11

Darling, Sir Ralph, governorship of, 56; criticisms on, by local press, 57; accusations against, *ib.*; acquitted by House of Commons Committee, 58; knighted, *ib.*; disregard of proposed Land Regulations, 62; sends expedition to Westernport, 93

Darling Downs, discovery of, 109, 256; squatters of, push through to Moreton Bay District, *ib.*; immigrants of the *Hashemy* transferred to, 110

Darling (R.) Sturt discovers, 257; re-

discovers, 258; surveyed by Mitchell, *ib.*
Darwin, Charles, visits Tasmania, 89
Davey, Lieutenant-Governor, arrival of, in Tasmania, 79; character of, *ib.*; Port Davey named after, *ib.*
Davey, Port, discovery of, 79
Deadlocks, in Victoria, 244; in N. Z., 245–7; provisions against, 249–50
Debentures, Government, issued by Fitzroy, 186; repudiated, *ib.*
"Deep Creek," gold-diggings at, 213
Defence Act, Imperial, passed (1888), 295
Defoe, on assignment system, 23
Dendy, Henry, case of, 104
Denison, governor of Tasmania, 91; urges further supply of convicts to Tasmania, 215; applied to by Hotham for military assistance, 225
Derby, Lord, New Guinea policy of, 302
Derwent River, early explorations of, 40, 73
Despard, Colonel, defeats Maori chiefs, 188
Dewes, dismissal of, 223
De Witt's Land (W. A.), explored by Dutch, 8
Diggers' Congress, in Victoria, 222
Directors of N. Z. Co., Court of, 179
District Councils. See "Councils"
Dividing Range, crossed, 255
Dolphin, the, Gregory's explorations aided by, 267
Duke of York, the, arrival of in S. A., 132
Dumaresq, Fort, settlement of, 93; abandoned, *ib.*
Dumaresq river, 109; discovered and named by Cunningham, 256
Durham's (Lord) Association (N. Z.), 171
Durlacher, Mr, statistics of 1859, by, 125
Dutch, claims in New Guinea by, 299–300
Dutigalla, aboriginal name for Port Phillip, 97
Duyphen (Dutch ship), voyage of the, 8

Echunga (S. A.), discovery of gold at, 212
Elizabeth Town, named after Mrs Macquarie, 75
"Emancipists," conduct of, 35
Emigration Commissioners. See "Commissioners"
English law, introduction of, into N. S. W., 58; into Australia, 157
Eendracht (Dutch ship), visits Western Australia, 8
Endeavour (ship), Cook's voyage in the, 12
Endeavour (R.), (Queensland) named by Cook, 13
Enterprise, the, exploration in, 97
Espiritu Santo, visited by Quiros, 7
Essington, Port, Leichardt at, 264
Eureka Hotel, murder at, 222
Eureka Stockade, affair of, 223–226
Executive Council. See "Council"
"Exiles," convicts so called, 111
Exploration, of continent, 53; of W. Coast of Tasmania, 79; of W. A., 113; character of Australian, 253; paper by Cunningham, 254; discovery of Bathurst Plains, *ib.*; Oxley's expeditions, *ib.*; legend of inland sea, 255; discovery of Liverpool Plains, *ib.*; discovery of "Monaroo," *ib.*; expedition of Hume and Hovell, *ib.*; Cunningham's journey in Queensland (1827), 256; attempt of Sturt and Hume to explore the Macquarie, 257; Sturt reaches Lake Alexandrina, 258; expedition of Mitchell, 258–9, *ib.*; explorations of Grey (Sir George) and Lushington, 259–60; voyage of the *Beagle* under Wickham, *ib.*; Strzelecki's expedition into Gippsland, 261; Eyre's expeditions, 261–3; Governor Grey's expedition from Adelaide to Victoria, 263; Orr's exploration of Corner Inlet, *ib.*; expeditions of Leichardt, 263–4;

expeditions of Sturt, 264; of Stuart, 264–6; S. A., invested with Northern Territory, 266; exploration of Gregory and the *Dolphin*, 266–7; expedition of Burke and Wills, 267–9; expeditions of Giles and John Forrest, 270; of Alexander Forrest and Giles, *ib.*; of Dalrymple, Martin, the Jardines, Sholl, *ib.*; Leichardt relief party, *ib.*

Eyre, Edward John, Lake Torrens explored by, 133; appointed Lieutenant-Governor of New Munster, 193; journeys of, from Sydney to Adelaide, 261; from King George's Sound to Swan River, *ib.*; from Adelaide to King George's Sound, 261–263

Famine, threatening of, in Tasmania, 76; kangaroo meat used as food, *ib.*

Farrell, arrest of, 223

Fawkner, John Pascoe, expedition of to Port Phillip, 97; dispute between Batman and, *ib.*

Federal Bill, 297; prospects of, 298

Federal Convention, at Sydney, 296; draft measure, *ib.*

Federal Council. See "Council"

Federation, Australasian, question of, 292; attempt of 1850, *ib.*; withdrawal of, 293; Governor-Generalship, *ib.*; abandoned, 294; Victorian suggestions for, *ib.*; Conference of 1880, *ib.*; adjourned to Sydney, *ib.*; intercolonial judicial system agreed upon, *ib.*; Chinese policy, *ib.*; W. A. disapproves, *ib.*; Conference (of 1883), 295; Federal Council established, *ib.*; London Conference, *ib.*; Federal Convention, *ib.*; Imperial Defence Act, *ib.*; Conference (of 1890), 296; Federal Convention, *ib.*; Federal Bill, 297; prospects of, 298; Conference of 1895, *ib.*

Female suffrage in N. Z., 248

Field, Barron, first judge of Supreme Court, 157; allows convicts to give evidence, *ib.*; declines to recognize *ex post facto* legislation, 152

Fiji, made a colony, 251

Fingal District, (Tasmania), gold discovered in, 213

Fitzroy, Captain, governorship of, in N. Z., 184–5; tampers with land purchase rule, 184; proclamations, *ib.*; action in Taranaki purchase, 175

Fitzroy, Admiral (Governor of N. S. W.), gold proclamation, 210; appoints Gold Commissioners, 211; seizes Kerr's find, 212; organizes gold escort, *ib.*; Australian Governor-Generalship conferred on, 293

Flax, cultivation of, in W. A., 114

Flinders, Lieutenant, accompanies the *Francis* to wreck of *Sydney Cove*, 39; asserts existence of channel between Australia and Tasmania, *ib*; accompanies Bass in the *Norfolk*, *ib.*; Northern voyage, 40; discovers Moreton Bay, 41

Flinders Island, aboriginal settlement on, 86

Flocks, importation of Macarthur's into Tasmania, 80

Foreign dependencies, government of, 140–1; position of at Restoration, 141; Clarendon's scheme, 142; change their character in 18th century, *ib.*; position of Secretary of State with regard to, 146; creation of New Secretary for, *ib.*; abolished, *ib.*; annexed to War Department, 147

Foreign Plantations, Council of. See "Council"

Forrest, Alexander and John, Australian explorers, 270

Forrestier's Peninsula, position of, 83

Fort Dumaresq. See "Dumaresq"

Fowler's Bay, Eyre arrives at, 262

France, relations of, with Australia, expedition of Pérouse, 29; of Baudin, 73; rumoured expeditions, 93; Thierry in N. Z., 170–1: French vessel at Cape Le Grand, 263; Granville protests against extension

of penal settlements of, in Pacific, 303
Franchise (of 1842), 66; in N. Z., 200; under Responsible Government, 235, 248
Franklin, Sir John, governorship of, in Tasmania, 88; succeeds Arthur, *ib.*; popularity of, *ib.*; criticised on question of ecclesiastical rivalries, *ib.*: quarrels with Tasmanian Colonial Secretary, 89; retires, *ib.*; encourages scientific research, *ib.*; Royal Society of T. founded by, *ib.*; interest of, in education, *ib.*
Frederick Henry's Bay (Tasmania), named by Tasman, 9; Bass and Flinders pass through, 40
Freemantle, founded, 116
French expeditions, rumours of, 93
Friendly Islands, discovered by Tasman, 9

Gambier river, suggested labour ground for convicts, 24
Gate Pah, Cameron defeated at, 285
Gawler, Colonel, governor of S. A., 133
Geelong, settlement by Batman at, 97; sale of land at, 100; special constables at, 225
General Assembly (of Australia), proposed, 292; unsuccessful, 293
,, ,, (of N. Z.), 201; limits to legislative power of, *ib.*; first meeting of (1854), 202; relations with provincial councils, *ib.*
General Orders, power to publish, claimed by early governors of Australia, 149
Geographe Bay, settled, 121
German consul, at Apia, 306
German Government, divides eastern N. Guinea with England, 303; treaty with Samoa, 305; disagrees with Special Commission, 307; war with Mataafa, *ib.*
German N. Guinea Association, formed, 302
German settlers, proposed introduction of into W. A., 122
Gibraltar, suggested labour ground for convicts, 24
Gilbert, companion of Leichardt, death of, 264
Giles, explorer of Australia, 270
Gipps, Governor (N. S. W.), sanctions squatting system, 63; prosperity of N. S. W. under, 68; discourages gold seekers, *ib.*; views on Land Question, 69; report on squatting, 70; nullifies Land Regulations (of 1840), 103; abolishes fixed price system, 104; supports Land Sales Act, 105; alteration in Commission of, 173; appoints Hobson Lieutenant-Governor of N. Z., *ib.*; proclamation of, *ib.*; advises proclamation of Queen's sovereignty in N. Z., 174; recognizes N. Z. Co.'s purchase at Port Nicholson, 177
Gippsland, added to Port Phillip, 101; Strzelecki's expedition into, 261
Gisborne, site of massacre at Poverty Bay, 288
Gladstone, W. E., Wilmot deprived of office by, 90
Glenelg (S. A.), River, Mitchell reaches, 259
Glenelg (R.), (W. A.) named by Grey, 260
Gold, discovery of, discouraged by Gipps, 68; effect of on Moreton Bay District, 111; discoveries of, on Buller river, 203; rumours of, discouraged by Government, in N. S. W., 206; alleged discovery of, by Clarke, 207; Murchison's investigations, *ib.*; Smith of Berrima, 207–8; return of Hargraves from California, 208; discovers gold in Lewes Pond Creek, *ib.*; Stutchbury reports discovery of in Summer Hill Creek, 209; immigration to diggings, *ib.*; effect of, on population, 210; licenses, *ib.*; Fitzroy's Proclamation, 210–11; appoint-

ment of Commissioners for the Goldfields, 211; discovery of, on Turon River, *ib.*; on the Abercrombie, *ib.*; brought to Bathurst, *ib.*; Kerr's find, *ib.*; escort of, undertaken by Government, *ib.*; discovery of, at Echunga, 212; in Fingal District, 213; in Coromandel ranges, *ib.*: diggings at Deep Creek, *ib.*; Clunes, *ib.*; at Buninyong, *ib.*; finds at Mount Alexander, *ib.*; drain of population from other Colonies, 214; ingots in S. A., *ib.*; Colonial Mints, *ib.*; scarcity of labour in Tasmania, 215; troubles in Victoria, 215–227, (see "Victoria"); re-discovery of, in Coromandel Ranges, 282; in Westland, 289; relations between N. S. W. and Victoria influenced by discoveries of, 263; reported discovery of in New Guinea, 300

Gold Commission, in Victoria, 226; recommendations carried into effect, 227

Gold escort, undertaken by Government, 211; attack on private, 221

Gold, export duty on, 226

Goldfields, Commissioners for, 211; gold revenue devoted to expenses of, 218; disturbances in Victoria, 220; new Act for government of, 221; renewed disturbances in, 222; Commission on, 223; riots in, 224; new scheme of government for, 226; tranquillity of, 227

Goldfields Act, 221, 227

Goldfields, Commissioners for, (see "Commissioners")

Gold licences, granted by Australian Governments, 210; only applicable to alluvial mining, 212; fees for, transferred to general revenue, 217; proposal to double fee in Victoria, 218; agitation against, 219; Bendigo petition, 220; resistance to collection of fees, *ib.*; system extended to storekeepers, *ib.*; abolition of fees proposed in N. S. W., 221; system unfavourably reported on, *ib.*; reduction of fees in Victoria, *ib.*; system finally abolished, 226

Gold Revenue, new branch of Land Fund, 217; expended on goldfields, 218; made part of general revenue, *ib.*; transfer of, to colonial exchequers, 231–2

Gold, Colonel, arrival of, in N. Z., 278; captures pah erected by Kingi, *ib.*; New Plymouth protected by, 279

Gordon, Sir Arthur, appoints deputy Commissioner for Murray and Darnley Islands, 301; recommends annexation of New Guinea, *ib.*

Gorman, Lieutenant, finds pass to Moreton Bay, 110

Goulburn District, included in N. S. W., 106

Goulburn (R.), discovered, 255

Government in Australia, historical sketch of, 139–165

,, "Responsible," contemplated by Act of 1850, 233; suggested by Colonial Office, *ib.*; objects desired, *ib.*; Bills submitted by Colonies, 234; repeal of Land Sales Act (of 1842), 235; Lower Chambers, franchise for, *ib.*; in S. A., *ib.*; qualification of members, *ib.*; in Victoria, *ib.*; money bills, *ib.*; in Victoria, 236; in S. A., *ib.*; Legislative Upper Chambers, *ib.*; Council in N. S. W., *ib.*; proposal in N. S. W., *ib.*; nominee system in N. S. W. and N. Z., *ib.*; elective system in other colonies, 237; summoning and duration of Parliaments, *ib.*: "repugnancy" clause, 238; statute (of 1865), *ib.*; Cabinet system, features of, 239; difficulties in adoption in Australia, 240; pensions for officials, 241; compensation in Tasmania, *ib.*; future provision in Victoria, *ib.*; deadlock in Victoria, 244; introduction into N. Z., 245; supported by Wakefield, *ib.*; compromise offered

by Wynyard, 246–7, failure, *ib.*; Wynyard asks Wakefield's advice, 247; new Ministry, *ib.*; vote of no confidence, *ib.*; Gore Browne succeeds Wynyard, *ib.*; provision for retiring officials, *ib.*; peculiarities of Cabinet Ministers in N. Z. and S. A., 248; extension of franchise, *ib.*; property requirement in Tasmania and W. A., *ib.*; suffrage in N. Z., *ib.*; "one man one vote," *ib.*; ballot system, *ib.*; reduction in duration of Parliaments, 249; payment of members, *ib.*; changes in Upper Chamber, *ib.*; reappointment in N. Z., *ib.*; S. Australian scheme, *ib.*; jurisdiction in money bills, 250; Responsible Government in Queensland, *ib.*; in W. A., *ib.*; Upper Chamber in W. A., 251

Governor-General, title of, given to Governor of N. S. W., 164, 293; failure of scheme, 165; abandoned, 294

"Governor's Courts," functions of, 151; officers of, 152; jurisdiction of, *ib.*; popularity of, *ib.*

Grain, average yield of, 37

Grampians, discovered and named by Mitchell, 258

Granville, Lord, protests against extension of French penal settlements, 303

Gray, on Burke's expedition, 267; dies, 268

Great Barrier Reef, explored by Cook, 13

Great Java (early name of Australia), 6

Great South Land, legend of, 5

Gregory, D., administrator of New Guinea, 304

Gregory, F. T., explorations of, 266–7; assisted by *Dolphin*, 267; reaches Mount Macpherson, *ib.*

Greer, Colonel, victory in Tauranga district, 285

Grey, Earl, election of, for Melbourne, 107; approves Fitzroy's view of gold revenue, 231–2

Grey, Sir George, Governor of S. Australia, 133; reduces Government expenditure, 134; bills dishonoured, *ib.*; transferred to N. Z., 135; arrives in N. Z., 185; appointed Lieutenant-Governor, 186; publishes proclamation repudiating debentures, 187; official appointments of Maoris by, 188; declines to act on Fitzroy's proclamations, *ib.*; refuses to enforce Instructions (of Dec. 1846), 190; appointed "Governor in Chief," 193; proclaims Eyre Lieutenant-Governor of New Munster, *ib.*; nominates Pitt for New Ulster, *ib.*; fixes boundary of, *ib.*; purchases Middle Island, 195; knighted, 199; sketches proposed Constitution, *ib.*; plans partially adopted, 200; departure of, from N. Z., 202; expedition of, and Lushington, 259–60; starts in *Beagle*, 259; reaches Hanover Bay, 260; crosses Glenelg River, *ib.*; wounded, *ib.*; expedition from Adelaide to Victoria, 263; confirms Spain's award in Taranaki purchase, 276; reappointed Governor, 280; lands in N. Z., 281; appoints Armitage Resident Magistrate, *ib.*; scheme for control of Native Affairs, 282; Cameron's account published, *ib.*; recommends abandonment of Waitara block purchase, 283; differences between Cameron and, 287

Grose River, explored by Wentworth's party, 254

Guano, trade in, in W. A., 125

Gulf of Carpentaria, arrival of Stuart near, 265

Guildford (W. A.), founded, 118

Hacket, at Eureka Stockade, 224

Hammersley Ranges, explored by F. T. Gregory, 267

Hampton, Governor of W. A., 128

Hanover Bay, Grey and Lushington reach, 260

Hardy, reports on gold-diggings, 211
Hargraves, E. H., determines to explore Australia for gold, 208; returns from California, *ib.*; discovers gold at Lewes Pond Creek, *ib.*; assists gold-seekers, 209; made Commissioner of Crown Lands, *ib.*; rewarded, *ib.*
Harris, Mount, discovered by Oxley, 257
Hartog, Dirk (Dutch explorer), visits Western Australia, 8
Hashemy, the, immigrants of, transferred to Darling Downs, 110
Hauhaus, defeated by Shortt, 285; again defeated by Chute, 287; defeat McDonnell, *ib.*; massacre Europeans at Poverty Bay. 287–8; finally defeated by Whitmore, 288
Hawaii, mission from to Samoa, 307
Hawkesbury, River, settlement on, 34; idleness of settlers at, 35; inundation of valley of, 76
Hawke's Bay (Province), created, 203; abolished, 204
Heath, Commander, report by, on Torres Islands, 301
Henty family, join expedition to W. A., 94; migrate to Tasmania, *ib.*; start whaling establishment at Portland Bay, *ib.*; permission granted, 95; grant of land received by, *ib.*
Herd, Captain, arrives in N. Z., 171
Hervey Bay, explored by Flinders, 41
Hicks, Point, *Sydney Cove* wrecked at, 38
Hindmarsh, governor of S. A., 132; recalled, 133
Hobart, founding of, by Collins, 74; capital of Buckinghamshire, *ib.*; appearance of Bligh at, 78; cases transferred for trial from, to Sydney, 150; court held by Wyld at, 151; conference of Premiers at, 298
Hobson, Lieutenant-Governor of N. Z., 173; arrives in N. Z., *ib.*; supported by missionaries, *ib.*; procures recognition of Queen's sovereignty, 174; attitude towards N. Z. Company, *ib.*; purchases land at Waitemata, 177; founds Auckland, *ib.*; transfers seat of Government to, *ib.*; title of Governor conferred on, 178; death of, 182
Holt, Joseph, migration to Tasmania of, 75; Collins befriends, 76; helps to start agriculture, *ib.*
Hooker, Sir Joseph, visits Tasmania, 89
Hope, Mount, discovered by Mitchell, 258
Hopeless, Mount, Burke tries to reach, 268
Horses, proposal to rear, for India, 114; supplied to Indian Cavalry by W. A., 125
Horse-breeding, in W. A., 118
Hotham, Governor of Victoria, 222; prompt measures of in Eureka murder, 222–3, applies to Denison for military assistance, 225; death of, 227
House of Commons, enquires into transportation system, 24; appoints select committee on Governor Darling, 57
Hovell, Captain, journey to Corio Bay with Hume, 93, 255–6
Howard, John, reforms prison system, 23
Howitt, A. W., rescues King, 269; recovers bodies of Burke and Wills, *ib.*
"Hulks," convict ships, 23
Hume, Hamilton, journey to Corio Bay with Hovell, 93, 255–6
Hume (R.) discovered and named, 255
"Hundreds," proclamation of, in N. Z., 199
Hunter, Governor of N. S. W., arrival of, 36; state of colony under, *ib.*, governorship of, 37–41
Hunter River, discovery and description of, 38
Hutt, Governor, report of, on W. A., 120

Hutt valley, site of settlement, 172

Immigration, free, to N. S. W., 52; assisted, 57; Commissioners for, 64; rule of 1840 regarding, *ib.*; to Tasmania, 80; to W. A., 122; policy, in N. Z., 204; expenditure of Land Fund on, 229; question of Chinese, 294
Imperial Defence Act, 295
Indented Head, settlement at, 97
Indentured servants, in N. S. W., 56; in W. A., 116, 117; migrate to Tasmania, 118
India, proposal to rear horses for, in W. A., 114
Ingots. See "Gold"
Inland sea, legend of, started by Oxley, 255; strengthened by Grey's expedition in North West, 260
Instructions (of 1846), 189; Grey refuses to enforce, 190; protest against, *ib.*; separation from New Munster provided for by, 192–3; proclamation of "Aboriginal Districts" provided for by, *ib.*
Intercolonial judicial system, established (1880), 294
Invercargill, capital of Southland, 203
Irish convicts, appearance of, 44; employed at Castle Hill, *ib.*
Irwin, Major, publishes account of settlement in W. A., 118; establishes W. A. Association, 119

Jardine, Messrs, explorers in Northern Australia, 270
Johnston, Major, refuses to obey Bligh's summons, 48; takes possession of Governor's person, *ib.*; under arrest, 49
Joseph, John, trial of, 225; acquitted, 226
Judge Advocate, Macarthur objects to presence of, 48; superseded, 54: first civil and criminal judge in Australia, 150; in Norfolk Island, *ib.*; in Tasmania, *ib.*; illogical position of, 153
Jukes (geologist), visits Tasmania, 89
Jury, trial by, provision for, in N.S.W., 54; introduced into W.A., 118; allowed in civil cases on agreement of parties, 157; further development, 160
Justice, administration of. See "Government in Australia," "Supreme Court," "Justices of the Peace," "Quarter Sessions," etc.
Justices of the Peace, power of governors to appoint, 153; power of, over convicts, 154; appointed by Macquarie in N. Z., 170

Kaiser Wilhelm's Land (N. Guinea), recognized, 303
Kapunda, copper-mines, 135
Karakara Bay, scene of Cook's murder, 14
Katikara, Maori position stormed by Cameron, 283
Kauri pine, in N. Z., 17
Kawau, prisoners escape from, 285
Kelmscott, founding of, 118
Kerr, Dr, discovers gold on Meroo Creek, 211
King, on Burke's expedition, 267; buries Burke, 268; kindness of aborigines to, *ib.*; rescued by Howitt, 269
King, Governor (N. S. W.), account of, 41; Lieutenant-Governor of Norfolk Island, *ib.*; made Governor of N. S. W., *ib.*; prohibits landing of spirits, 43; suppresses convict insurrections, *ib.*; attempts settlement in V. D. L., 73
King George III.'s Island (former name of Tahiti), visited by Cook, 12
King George's Sound, military station at, 118; taken over by colony at Swan River, *ib.*; Eyre's explorations between Swan River and, 261; Eyre's explorations between Fowler's Bay and, 262
"King" movement. See "Maoris"
King's Secretaries. See "Secretary"

Lachlan (R.), discovered, 254

Lake Taupo, Maori gathering near, 272
Lake Torrens, explored by Eyre, 133, 261
Land (N. S. W.), amount in cultivation in 1795, 36; 1797, *ib.*; 1798, *ib.*
Land defences, report of Imperial Commissioner on, 296
Land Fund. See "Crown Lands"
Land purchases, in Samoa, 305, 308
Land Registry, established in N. Z., 181; projected extension of, 189
Lang, Dr, espouses cause of separation for Port Phillip, 107; for Moreton Bay District, 111
Langlois, settlement near Christchurch by, 171
Latrobe, Joseph, gazetted Superintendent of Port Phillip, 100. And see "Victoria"
Launceston, removal of Paterson to, 74; subjected to government at Hobart, 75; cases transferred for trial from, to Sydney, 150
Law, English. See "English law"
Lawson, crosses Blue Mountains, 50
Laycock, Lieutenant, expedition of, from Launceston to Hobart, 74
League against land selling (Maori), 273
Le Grand, Cape, Eyre at, 263
Leichardt, explorations by, 263–4
Leichardt relief expedition, 270
Leschenault District, settled by W. A. Company, 121
Lewes Pond Creek, gold found at, 208
Licences, grazing, granted, 63, and see "Squatting"
Licences, gold. See "Gold"
Licence fee. See "Gold"
Licence system. See "Gold"
Lieutenant-Governor, Hobson appointed, of N. Z., 173; Grey, of N. Z., 186; Eyre, of New Munster, 193; Pitt, of New Ulster, *ib.*
Light, Colonel, pioneer of S. A., 132; fixes site of Adelaide and Port Adelaide, *ib.*; suspension of, *ib.*; death of, *ib.*
Limmen Bight, Leichardt arrives at, 264
Lincoln, Port, Eyre's overland journey to, 262
Liptrap, Cape, Eastern boundary of Latrobe's district, 101
Liquors, use of, prohibited (1807), 47
Liverpool, Governor's Courts held at, 152
Liverpool Plains, discovered, 255
Loaf, price of, 67
Local Government, 66, 162, 248, 291
Lonsdale, Captain William, appointed police magistrate at Port Phillip, 99; arrival of, *ib.*
Lord Howe Island, explored, 32; population of, 33
Lower Chambers established, 205. And see "Government, Responsible"
Lushington, Dr, opinion of as to Port Phillip purchase, 98
Lushington, Lieutenant, explorations of Grey and, 259–60
Lynher, the, Grey and Lushington sail in, 260

Macarthur, John, experiments of, in wool-growing, 44; interests English Government, 45; obtains grant in Cowpastures, *ib.*; fosterer of wine trade, *ib.*; quarrel with Bligh, 47; refuses to obey summons, 48; objects to presence of Wyld, *ib.*
Macintyre, River, 109
Macpherson, Mount, Gregory explores, 267
Macquarie, successor of Bligh, 49; sends home Johnston under arrest, *ib.*; makes road across Blue Mountains, 51; founds Bathurst, *ib.*; prosperity of colony under, *ib.*; visit of to Tasmania, 81; appointment of magistrates in N. Z. by, 170
Macquarie Harbour, discovered, 79; penal settlement at, 82; outbreak at, 83; Schofield minister at, *ib.*; abandonment of, *ib.*
Macquarie, Port, proclaimed penal settlement, 108; Oxley reaches, 255

Macquarie (R.), discovered, 254; attempted exploration of, 254, 257
Macqueen, Colonel Potter, purpose of to colonize W. A., 114; withdrawal of, 115
Magelhaens, discovers the Philippines, 5
Mahoetahi, Waikatos defeated by Pratt at, 279
Malet, Sir Edward, signs Berlin declaration, 303
"Mana," Maori jurisdiction so called, 169
Manukau river, attempted settlement on, 172
Manning, trial of, 226; acquittal, *ib.*
Maoris, distinguished from aborigines, 18; colonize N. Z., *ib.*; characteristics of, 19; pursuits of, *ib.*; treatment by colonists, *ib.*; resistance to civilization, *ib.*; civilization of, 168; land difficulties, *ib.*; "mana," jurisdiction of, so called, 169; missionary effort of Marsden amongst, *ib.*; sales by to N. Z. Co., 172; prohibited, 173; confederation of, 174; Treaty of Waitangi signed by, *ib.*; claims of, to Middle Island bought up, 175, 195; sell Waitemata (Auckland), 177; affair on Wairau, 182–3; Shortland's policy towards, 183–4; Fitzroy's policy towards, 184; enquiry held at Waikanae, *ib.*; claim at Waitara leads to agitation amongst, *ib.*; official appointment of chiefs by Grey, 188; defeat of, by Despard, *ib.*; attack near Wellington, *ib.*; appointment of Resident Magistrates for, *ib.*; belief of, in desire of expropriation, 194; attitude of, towards Constitution (of 1846), *ib.*; purchase of tribal land from, prohibited, 201; Native Districts, 202; Maori affairs reserved from Colonial control, 272; Maori parties, *ib.*; Royal Commission (1856), *ib.*; gathering near Lake Taupo, *ib.*; League against land selling, 273; "King" movement, *ib.*; Taranaki purchase, 274; Waikato raid, *ib.*; removal of Ngatiawa to Waikanae, *ib.*; Barrett procures purchase for Co., 274; Spain's decision, 275; reversed by Fitzroy, *ib.*; New Plymouth founded, 276; smaller purchase attempted, *ib.*; permission of direct purchase, *ib.*; Spain's award confirmed by Grey; *ib.*; arrival of exiles at, *ib.*; Wiremu Kingi, 277; Browne's proclamation, *ib.*; offer of Waitara block, *ib.*; repudiated by Wiremu Kingi, *ib.*; Government determines on survey, *ib.*; arrival of Waikato messengers, *ib.*; repulse of Parris' party, *ib.*; Gold defends Waitara, 278; pah of defiance erected by Kingi, *ib.*; captured by Gold, *ib.*; New Plymouth, protected by Gold and Cracroft, 279; aid summoned from Sydney and Melbourne, *ib.*; Auckland in state of defence, *ib.*; opinion of Bishop of N. Z., *ib.*; repulse of Nelson on Waitara, *ib.*; death of Potatau, *ib.*; Waikatos defeated by Pratt at Mahoetahi, 297–80; on Waitara, 280; third repulse, *ib.*; McLean's report, *ib.*; William Thompson, *ib.*; Maori character, 281; Armitage, *ib.*; appointed Resident Magistrate, *ib.*; "runangas," 282; Grey's suggestion for control of Native Affairs, *ib.*; Home Government consents to hand over Maori affairs, *ib.*; declined by colonists, *ib.*; General Cameron's communication published, *ib.*; Grey recommends abandonment of Waitara purchase, 283; murder of Englishmen by, *ib.*; storming of Katikara, *ib.*; arrival of Royal Irish, *ib.*; series of statutes (1863), 284; hostile tribes defeated by Arawa, 285; defeat of Cameron at Gate Pah, *ib.*; Maoris defeated by Shortt, *ib.*; assistance from Wanganui, *ib.*; Greer's victory, *ib.*; Rawiri slain, *ib.*; submission of Tauranga tribes, *ib.*; escape of pri-

soners from Kawau, *ib.*; misunderstandings amongst British officials, 286; submission of Thompson, 287; Hauhaus, *ib.*; differences between Grey and Cameron, *ib.*; capture of Weraroa, *ib.*; defeat of Hauhaus on Wairoa, *ib.*; Chute takes Putahi, *ib.*; end of war, *ib.*; Hauhaus again in rebellion, *ib.*; repulse of McDonnell at Te Ruaruru, *ib.*; Te Kooti's attack at Poverty Bay, 287–8; siege of Wanganui, *ib.*; two defeats by Whitmore, *ib.*; Nagata Pah captured, *ib.*; escape of Te Kooti, *ib.*; capture of stronghold near Patea, *ib.*; Te Kooti wounded in skirmish, *ib.*; proposals for peace from Waikato chiefs, *ib.*; Bowen's report, 289; statistics of Maoris, *ib.*

Marines, used as guards at Melbourne, 225

Marlborough (Province), detached from Nelson, 203

Marsden, Samuel, prosecution of Campbell by, 153; arrival of, at N. Z. in the *Active*, 169; founds mission station, *ib.*

Marshall Islands, made boundary between Germans and British in Pacific, 305

Martial law, proclaimed in Tasmania, 79; in Victoria, 225

Martin, early explorer of Australia, 270

Martin, Chief Justice, arrival of, in N. Z., 180; attitude towards Wairau incident, 183; protest of, against Instructions (of 1846), 190

Matra, Mr, presents memorial for settlement in N. S. W., 24; interview with Lord Sydney, 25; adopts Government suggestion, *ib.*

McDonnell, Colonel, defeated at Te Ruaruru, 287

McIlwraith, Sir Thomas, cables offer concerning N. Guinea, 301

McLean, Donald, report on Maori affairs by, 280

Meat, salt, exported to Sydney, 79

Melbourne (formerly Bearbrass), landing effected at, 97; town laid out, 99; Quarter Sessions proclaimed at, 100; sale of land at, *ib.*; receives municipal charter, 101; proclaimed free port, *ib.*; special constables at, 225; Federal Conference at, 294; again, 296. And see "Victoria"

Mendana, Alvaro de (Spanish explorer), settles Santa Cruz, 6

Meroo Creek, discovery of gold at, 211

Middle District. See "Sydney Land District"

Middle Island, purchase of, from Maoris, 195; at disposal of N. Z. Co., *ib.*

Military Assessors, superseded, 54; functions of, 150

Milne, dismissal of, 223

Minerals, proposed royalty on, in S. A., 136

"Miner's right," instituted by Act of 1855, 226

Mines, coal, worked by convicts, 39; transferred to Australian Agricultural Co., *ib.*

Ministry of Public Works. See "Public Works"

Mints, colonial established, 214

Missionaries, in N. Z. sent out by Marsden, 169; by Church Missionary Society, *ib.*; Busby supported by, 172; Hobson assisted by, 173

Mitchell, Major, publishes account of Australia Felix, 98; explorations of, 258–9

"Monaroo," name of "Brisbane Downs" given to, 255

Money, scarcity of, in N. S. W., 67; in W. A., 120; in S. A., 214

Money Bills under Responsible Government, 235–6; quarrels between the Chambers over, 250

Moreton Bay, explored by Flinders, 41; District of N. S. W., 65; proclaimed penal settlement, 108; founding of Brisbane, 109; exploration of Darling Downs, *ib.*; squat-

ters of Darling Downs push through to, *ib.*; Gorman discovers pass to, 110; first open sale of lands in, *ib.*; appointment of Crown Land Commissioners, *ib.*; assignment and importation of convicts maintained in, *ib.*; convicts of the *Hashemy* transferred to, *ib.*; Chinese hands in, *ib.*; tea poisoning scare, *ib.*; effect of gold discoveries in, 111; party politics in, *ib.*; "exiles" in, *ib.*; separation of, *ib.*; statistics, 112. And see "Queensland"
Moreton, Cape, arrival of the *Norfolk* at, 41
Mossman, Mr, account of N.S.W., 36
Mount Alexander, goldfields at, 213
Mount Harris, Sturt and Hume arrive at, 257
Mount Hope, naming of, 258
Mount Hopeless, Burke's attempt to reach, 268
Mount Macedon, Mitchell views Australia Felix from, 259
Mount Macpherson, Gregory reaches, 267
Mounted Police. See "Police"
Municipal Council. See "Council"
Municipal government, by Board at Apia, 305
Murchison, Sir Roderick, investigates gold specimens, 207; urges Cornish miners to emigrate, *ib.*; writes to Government asserting existence of gold, *ib.*; recommends mineral survey, *ib.*
Murchison River, mining operations on, 125
Murderers' Bay (New Zealand), named by Tasman, 9
Murray District, addition of, 101
Murray River, made northern boundary of Victoria, 103; new steamers on, 214; crossed by Hume and Hovell, 255; Sturt reaches, 257; explored by Mitchell, 257–8
Murrumbidgee River, northern boundary of Victoria, 103; abandoned as boundary, 206; explored by Sturt, 257
Nagata Pah, capture of, 288
"Nanto-Bordelaise" Company, formation of, 171; bought up by N. Z. Co., *ib.*
Napier, capital of Hawke's Bay, 213
Nardoo cake, Burke's party fed with by aborigines, 268
Native Affairs, in N. Z., control of, reserved from colonists, 272; handed over to colonists, 282
Native Districts, power of Governor to proclaim in N. Z., 202
Native Minister in N. Z., anomalous position of, 272–3
Native Secretary in N. Z., Imperial Official, 273; report by, 280
Naval Commission, Joint, regulates New Hebrides, 304
Naval Defence, Australasian, scheme of, 295
Nelson, Major, repulsed on Waitara, 279
Nelson, settlement of, by N. Z. Co., 181; Captain Wakefield agent at, 182; special land reserve for, 198; Marlborough detached from, 203
Nelson (Province) created, 200; Marlborough separated from, 203; province abolished, 204
Newcastle, founding of, 39
Newcastle, Duke of, announces cessation of transportation to Tasmania, 233
New Guinea (Papua), 299; claimed by Dutch, *ib.*; Lord Carnarvon refuses to annex, 300; jurisdiction of Commissioners for Pacific in, *ib.*; reported discovery of gold in, *ib.*; islands in Torres Strait, *ib.*; report of Heath on, 301; annexed, *ib.*; Murray and Darnley Islands, *ib.*; warship at Port Moresby, *ib.*; companies for development of, *ib.*; annexation of, recommended, *ib.*; offer of McIlwraith, *ib.*; German Association, 302; Queensland takes possession, *ib.*; Lord Derby repudiates annexation, *ib.*; convention in favour of, 303; treaty of 1886, *ib.*; line of delimitation, *ib.*; Queensland contributes to expenses of, 304; created British possession,

ib.; British Settlements Act, *ib.*; Gregory first administrator, *ib.*
New Hebrides, visited by Quiros, 7; French penal settlements in, 299; extension feared, 302; protest by Lord Granville against, 303; Joint Naval Commission for, 304
New Holland (early name of Australia), 1
New Leinster, naming of, 179
New Munster, naming of, 179; Eyre appointed Lieutenant-Governor of, 193; suspension of Land Regulations (1846) in, 195; lands of, vested in N. Z. Co., *ib.*; constitution of Provincial Council for, 198
New Norfolk, settlement of, 33, 75
New Plymouth. See "Taranaki"
New South Wales, named by Cook, 13; origin of colony of, 20; settlement in, advised by Matra, 24; Lord Sydney suggests penal settlement, 25; scheme for, drawn up by Sir George Young, 26; Orders in Council authorise transportation to, *ib.*; expedition sets out for, 28; reaches Botany Bay, *ib.*; visit of Pérouse, 29; removal to Port Jackson, 30; islands under supervision of governor of, 33; early years of, *ib.*; settlements of Parramatta and on Hawkesbury, 34; free grants of land, *ib.*; arrival of sheep, *ib.*; discovery of wild cattle, *ib.*; price of imported cattle, 35; behaviour of convicts, *ib.*; illegal distillation of spirits, *ib.*; troubles with aborigines, *ib.*; resignation of Governor Phillip, 36; arrival of Captain Hunter, *ib.*; statistics of, for 1796, 1797, 1798, 1799, *ib.*; population of, in 1795, *ib.*; in 1800, *ib.*; average yield of grain, 37; finding of coal, *ib.*; arrival of Governor King, 41; illegal spirit trade, 42; action of the Government, 43; landing of spirits prohibited, *ib.*; convict rising, *ib.*; Irish convicts, 44; wool-growing, *ib.*; arrival of Bligh, 46; order prohibiting payment in spirits, 47; deposition of Bligh, 48; arrival of Macquarie, 49; vigorous measures of, *ib.*; position of emancipists, *ib.*; expansion of colony, 50; discovery of the Bathurst plains, *ib.*; Statistics (of 1821), 51; cost of colony up to 1821, *ib.*; free immigration to, 52; changed conditions of industry in, *ib.*; arrival of Sir Thomas Brisbane, 53; introduction of self-government into, *ib.*; first Supreme Court, 54; jury system introduced, *ib.*; first Legislative Council, 55; partial separation of Tasmania from, *ib.*; indentured service, 56; freedom of the press, *ib.*; colony becomes self-supporting, *ib.*; votes funds to assist immigration, 57; governorship of Sir Ralph Darling, *ib.*; accusations against, *ib.*; acquittal of, 58; new constitution (1828), *ib.*; introduction of English law into colony, *ib.*; land policy in, 59-61; assignment system, 60; Land Regulations (1824), 61; set aside, 62; Lord Ripon's Land Regulations (1831), *ib.*; sale by public auction, *ib.*; squatting, 63; Commissioners of Crown Lands, *ib.*; policy of Sir George Gipps, *ib.*; Border Police, 64; establishment of rule of 1840, *ib.*; Land Regulations of 1842, 65; division into three Land Districts, *ib.*; separate Land Funds for, *ib.*; introduction of political representation into, *ib.*; changes in Legislative Council of, *ib.*; franchise in, 66; finances of, under control of Council, *ib.*; scheme of local government, *ib.*; power to Queen in Council to divide, *ib.*; disappearance of penal element, *ib.*; abolition of assignment, *ib.*; of transportation, *ib.*; depression (of 1840-3), 67; scarcity of capital in, *ib.*; fall in prices, *ib.*; in wages, *ib.*; disposal by lottery of assets Bank of A., 68; prosperity under Gipps, *ib.*; Statistics (1851), 69; land question, *ib.*; increase of squatters in, 70;

stock tax, *ib.*; Crown Lands Leases Act, *ib.*; pre-emptive clause, 71; cases transferred for trial to Sydney from Hobart and Launceston, 150; new Supreme Court in, 156; Court of Quarter Sessions in, 157; local government in, 162; branch mint at Sydney, 214; proposal to abolish licence fee, 221; Responsible Government, 234; proposal of hereditary legislature, 236; superseded by nominee membership, *ib.*; style of legislature changed, 238; appointments to public office, 241; extension of franchise, 248; "one man one vote," *ib.*; ballot system, *ib.*; triennial Parliaments, 249; exploration, 254–9; sends help to N. Z., 279; gold discoveries alter relations between Victoria and, 293; adopts different revenue policy from Victoria, 294; Conference of 1880 adjourns to Sydney, *ib.*; intercolonial judicial system, *ib.*; Chinese immigration question, *ib.*

New South Wales Corps, foundation of, 34; engage in spirit trade, 42; discontent of, 43; unpopularity of Bligh with, 48

New Ulster, naming of, 179; territory reduced, 193; Pitt nominated Lieutenant-Governor of, *ib.*; boundary of, *ib.*; constitution of Provincial Council for, 198

New Zealand, included in Australasia, 2; visited by Tasman, 9; by Cook, 12, 13, 14; scenery and climate of, 17; timber of, *ib.*; stone, 18; colonized by Maoris, *ib.*; difference between, and Australia, 19; fauna and flora of, 18; cases arising in, triable in Australian courts, 156; casual settlers at Bay of Islands, 167; "Pakeha Maoris" in, *ib.*; occupations, *ib.*; Maori civilization, 168; land difficulties, *ib.*; missionary efforts in, 169; appointment of magistrates by Macquarie, 169–70; statute of 1817, 170; Act of 1823, *ib.*; Thierry's schemes, *ib.*; appeals to France, 171; formation of French Companies, *ib.*; claims of, bought up by N. Z. Company, *ib.*; Lord Durham's Association, *ib.*; arrival of Herd, *ib.*; Busby Resident Magistrate, *ib.*; assisted by Captain of *Alligator* and missionaries, 172; first N. Z. Association (Manukau), *ib.*; Wakefield and N. Z. Company, *ib.*; second N. Z. Association, *ib.*; sailing of the *Tory*, *ib.*; alleged purchases at Petone and Te Aro, 172–3; Gipps' Commission made to include, 173; Hobson Lieutenant-Governor of, *ib.*; Gipps' land proclamation, *ib.*; arrival of Hobson, *ib.*; Treaty of Waitangi, 174; Hobson proclaims sovereignty, *ib.*; attitude of N. Z. Company, *ib.*; Hobson and Port Nicholson settlers, 176; Port Nicholson purchase, 177; foundation of Auckland as capital, *ib.*; capital at Wellington, *ib.*; separation of, from N. S. W., *ib.*; Legislative Council in, 178; Executive Council in, *ib.*; New Ulster, New Munster, New Leinster, 179; N. Z. Company's Charter, *ib.*; constitution of, *ib.*; free grants to, *ib.*; Legislative Council holds session, 180; passes Crown Lands Ordinance, *ib.*; Quarter Sessions proclaimed, *ib.*; Petty Sessions, *ib.*; Courts of Requests, *ib.*; replaced by County Courts, *ib.*; arrival of Martin and Swainson, *ib.*; establishment of Supreme Court, *ib.*; jury, *ib.*; Court of Appeals constituted, *ib.*; Plymouth Association, 181; bought up by N. Z. Company, *ib.*; Nelson settlement at Blind Bay, *ib.*; direct purchases sanctioned, *ib.*; establishment of Land Registry, *ib.*; proclamation of Crown Lands Sales Act, *ib.*; death of Hobson, 182; temporary governorship of Shortland, 182–4; affair on Wairau, 182–3; governorship of Fitzroy, 184–5; enquiry concerning the

Wairau, 184; tampers with rule of land purchase, *ib.*; N. Z. Company's report of 1844, *ib.*; claims at Wairarapa and on the Waitara, *ib.*; arrival of Grey, 185; appointed Lieutenant-Governor, 186; depression in colony, *ib.*; debentures issued by Fitzroy, *ib.*; repudiated by Home Government, 186–7; repudiation published by Grey, 187; Grey's attitude towards Maoris, 188; Maoris defeated by Despard, *ib.*; attack near Wellington, *ib.*; appointment of Resident Magistrates, *ib.*; Grey declines to act on Fitzroy's proclamation, *ib.*; ordinance of 1846, 189; commission, *ib.*; legislation of 1846 in England, *ib.*; Constitution Act, *ib.*; Australian Crown Land Sales Act modified, *ib.*; Instructions of 1846, *ib.*; Grey refuses to enforce Instructions, 190; supported by Selwyn and Martin, *ib.*; regulation of squatting, *ib.*; statistics of 1849, *ib.*; New Constitution, 191; reshaping of provinces, 193; "Aboriginal Districts," *ib.*; Grey appointed "Governor-in-Chief," *ib.*; proclaims Eyre Lieutenant-Governor of New Munster, *ib.*; Pitt of New Ulster, *ib.*; fixes boundary of New Ulster, *ib.*; suspension of Constitution of 1846, 194; revival of old Legislative Council, *ib.*; Provincial Councils foreshadowed, *ib.*; effects of Constitution on Maoris, *ib.*; suspension of Land Regulations, 195; land in New Munster vested in N. Z. Company, *ib.*; Middle Island purchased from Maoris, *ib.*; Otago Association, *ib.*; Cargill, 196; Otago made a province, *ib.*; population of, *ib.*; Canterbury Association, *ib.*; Selwyn welcomes new settlement, *ib.*; Canterbury Association incorporated, *ib.*; contract between, and N. Z. Company, 196–7; land reserved for, 197; pre-emptive claim of Association recognized, *ib.*; power to dispose of Crown Lands abolished, *ib.*; made a province, *ib.*; dissolution of N. Z. Company, *ib.*; money reserved for Nelson, 198; claim reserved to shareholders, *ib.*; resented by settlers, *ib.*; Constitution of 1852, *ib.*; transportation repudiated, 199; proclamation of "Hundreds," *ib.*; Auckland receives charter, *ib.*; plans for new Constitution, *ib.*; suggestion for creation of provinces, 200; franchise, *ib.*; General Assembly, 211; legislative powers of, *ib.*; provision for Otago and Canterbury, *ib.*; protection of Maoris, 201–2; prohibition of purchase of tribal lands, 201; "Native Districts," 202; boundaries of new provinces proclaimed, *ib.*; departure of Grey, *ib.*; Wynyard in office, *ib.*; General Assembly meets, *ib.*; "Compacts" of 1856 and 1867, *ib.*; Provincial Councils authorized to dispose of Crown Lands, *ib.*; new province of Hawke's Bay, 203; of Marlborough, *ib.*; of Southland, *ib.*; gold finds on Buller river, *ib.*; Westland becomes province, *ib.*; provincial system falls into disrepute, *ib.*; immigration policy, 204; Ministry of Public Works, *ib.*; Abolition of Provinces Act, 1875, *ib.*; Responsible Government in, 245; Wakefield supports, *ib.*; Wynyard offers compromise, 245–6; failure of, 246; applies to Wakefield for advice, 247; new Ministry, *ib.*; vote of no confidence, *ib.*; Wynyard succeeded by Browne, *ib.*; provision for retiring officials, *ib.*; no re-election of Cabinet Ministers in, 248; extension of franchise, *ib.*; to women, *ib.*; "one man one vote," *ib.*; ballot system, *ib.*; triennial Parliaments in, 249; payment of members in, *ib.*; appointment of Legislative Councillors in, *ib.*; Maori

Wars in, 271–89; proposal to annex Pacific Islands, 303
New Zealand Company, land claims of French companies and Durham's Association brought up by, 171; formation of, 172; obtains charter, *ib.*; the *Tory* sent to N. Z. by, *ib.*; alleged purchase of land by, at Petone and Te Aro, 172–3; Hobson's policy influenced by rival claim of, 174; disputes with Hobson, 176; purchase at Port Nicholson recognized by Gipps, 177; receives first charter, 179; free grant to, *ib.*; Plymouth Association bought up by, 181; land at Taranaki and Wanganui claimed by, *ib.*; Nelson settlement at Blind Bay established by, *ib.*; action after Wairau incident, 184; report of 1844, *ib.*; land at Wairarapa and Waitara claimed by, *ib.*; attacks Waitangi treaty, 187; backed up by English Cabinet of 1846, 189; influence on Constitution of 1846, 191; Crown Lands in New Munster vested in, 195; Middle Island at disposal of, *ib.*; Otago Association purchases land from, *ib.*; Canterbury Association enters into contract with, 196; land reserved for, 197; dissolution of, *ib.*; claim reserved to shareholders of, 198; Taranaki purchase, 274–5; Spain's decision, 275; reversed by Fitzroy, *ib.*
Ngatiawa, defeated by Waikatos, 274; migrate to Waikanae, *ib.*; return to Taranaki, 276; refuse to sell Waitara block, 277; war against British, 278–81
Nickle, Major General, arrival of reinforcements under, at Ballaarat, 225
Ninety-ninth Regiment sent from Tasmania to Victoria, 225
Norfolk Island, taken possession of, 31; *Supply*, the, reaches, *ib.*; King Governor of, 32; Pitcairners removed to, 33; population of, *ib.*; unsatisfactory condition of settlers in, 73; settlers transferred to Tasmania, 75; founding of New Norfolk, *ib.*; non-success of migration, *ib.*; removal from, of convicts to Port Arthur, 90; proclaimed penal settlement, 108; criminal court held at, 150
Norfolk, the, expedition of Bass and Flinders in, 39; expedition of Flinders, 40
Norfolk Plains District, grants in, to V. D. L. establishment, 87
North Australia, abortive colony of, added to S. A., 266
North Cape (New Zealand), sighted by Tasman, 9; by Cook, 12
Northern Queensland, question of, 310
Northern Territory, added to S. A., 266

Observatory, built by Brisbane at Parramatta, 53
Ocean, the, arrival of at Port Phillip, 73
Olive, cultivation of in W. A., 121
Omeo District, opened up, 102
"One man one vote," introduced into colonies, 248
Orders in Council decide on place for transportation, 26; name W. A. convict station, 124
Orr, Mr, explorations by, 263
Otago Association, formation of, 195
Otago (Province), created, 200; special reservations for, 201; separation of Southland from, 203; province abolished, 204
Ovens (R.), discovered by Hume and and Hovell, 255
Otaheite. See "Tahiti"
Oxley, Surveyor, rediscovers Queensland, 63; explorations by, 254–5; discovers Liverpool Plains, 255; reaches Port Macquarie, *ib.*; Peel River discovered and named by, 256
Oyster Bay, return to of aborigines from Flinders Island, 87

Pacific Question, 299; High Commissioner, *ib.*; annexation of New Guinea, 299–304; Islands in Torres Strait, *ib.*; Samoa, 305–8; Tonga, 308
Pacific, Western, High Commissioner for, 299; protector of aborigines, 301; recommends annexation of New Guinea, *ib.*; jurisdiction in Tonga, 308
"Pakeha Maori," meaning of, 167
Pakington, Sir John, promises six companies to Victoria, 217; decides to send whole regiment, *ib.*; transfers Gold Revenue to colonial exchequers, 232
Pango Pango, secured by U. S. A., 305
Papua. See "New Guinea"
Paris, Treaty of (1728), 21
"Parkhurst" lads, arrival of, in W. A., 124
Parliaments, bicameral, introduced, 233–4; and see "Government in Australia"
Parramatta, settlement at, 34; observatory at, 53; Marsden chaplain at, 119; Governor's Court held at, 152
Parris, repulse of by Maoris, 277
Pasley, present at Eureka Stockade, 224
Patea River, boundary of New Ulster, 193
Patea, capture of Maori stronghold near, 288
Paterson, Colonel, expedition under, 74; character of, *ib.*; founds York Town, *ib.*; removes to Launceston, *ib.*; imports sheep into Tasmania, 80
Payment of Members, 249
Pearl-fisheries, in W. A., 125
Peel River, discovered by Oxley, 256; crossed by Cunningham, *ib.*
Peel, Thomas, proposal to colonize W. A., 114; correspondence between, and Stirling, *ib.*; remonstrates with Twiss, 115; lapse of land reserved for, 116
Penal element, in N. S. W., disappearance of, 66
Pensions under Responsible Government, 241; question of, in Victoria, 244; in N. Z., 247
Pensioners, military, sent from Tasmania, 217
Pérouse, M. de la, expedition of, 30; reports on Norfolk Island, 31
Perth, site of laid out, 116
Petone, alleged purchase at, 172
Petty Sessions in N. Z., 180
Phillip, Governor, early days of, 26–27; made commander of expedition to Botany Bay, *ib.*; starts on expedition, 28; route, *ib.*; reaches Botany Bay, *ib.*; explores Port Jackson, 29; removes settlement from Botany Bay, *ib.*; relations with Pérouse, 30; takes possession of Sydney, *ib.*; extent of his commission, 31; despatches expedition to Norfolk Island, *ib.*; resigns office, 36
Phillip Island, convicts under Wright land at, 93
Philippine Islands, discovered by Magelhaens, 5
Picton, capital of Marlborough, 203
Pitcairn Island, colonized by mutineers of *Bounty*, 32; settlers removed to Norfolk Island, 33
Pitt, Dean, Major General, nominated Lieutenant-Governor of New Ulster, 193
Plenty, Bay of, Cameron defeated near, 285
Plymouth, association to colonize N. Z. formed at, 181; bought up by N. Z. Co., *ib.*
Point Hicks, see "Hicks"
Point Puer, see "Puer"
Point Solander, see "Solander"
Police, Border, see "Border Police"
Police, Mounted, in W. A., 118; in Victoria, 225
Political representation, introduction of, into Australia, 160
Polynesian Empire, proposed, 307
Polynesian Labour, question of, 309;

causes party divisions in Queensland, 310; statistics of, 311
Poor Law Authorities, free immigration assisted by, 123
Population, white, of N. S. W. (in 1795), 36; in 1800, *ib.*; increase of in 1851, 69; of Tasmania, 79; increase of, 80; drain of, 214; of Otago Settlement, 196; of Victoria, effect of gold discoveries on, 210; S. A., drain of, 214. And see Table of Statistics
Port Adelaide, site of, fixed by Light, 132
Port Arthur, penal settlement at, 82; position of, 83; system of punishment at, *ib.*; removal of convicts to, from Norfolk Island, 90
Port Dalrymple, exploration of, 40; distance from Launceston, 74; receives stock of Westernport, 94
Port Essington, Leichardt reaches, 264
Port Jackson, explored by Phillip, 29; removal of settlement to, 30
Portland, town of, laid out, 100; sale of land at, *ib.*
Portland Bay, whaling establishment at, 94; included in Port Phillip District, 95; visit of Mitchell to, 259
Port Lincoln, arrival of Eyre at, 262
Port Macquarie, proclaimed penal settlement, 108; Oxley reaches, 255
Port Moresby, warship at, 301
Port Nicholson, N. Z. Co.'s settlement at, 173; settlers at, 176; attempt to organize independent government, *ib.*; purchase of land at, by N. Z. Co., 177
Port Phillip, District of, a division of N. S. W., 65; purchases of land in, 69; expedition of Collins to, 73; Tasmanians removed to, 86; whalers in, 92; Sullivan Bay, 93; arrival of Hume and Hovell at Corio Bay, *ib.*; rumour of French expeditions to, *ib.*; attempt of Darling to settle, *ib.*; convicts under Wright despatched to, *ib.*; land on Phillip Island, *ib.*; establishment of Fort Dumaresq, *ib.*; settlement abandoned, *ib.*; Portland Bay settlement, 94; Port Phillip Association, 95; obtains grants of two tracts of land, 96; settlement at Indented Head, 97; expedition of Fawkner to, *ib.*; landing at Melbourne, *ib.*; rival claim of Batman, *ib.*; question of title, *ib.*; opinion of Lushington, 98; compensation to Association, *ib.*; dissolution of Association, *ib.*; account of Mitchell's expedition, *ib.*; Bourke's proclamation, 99; to be governed from Sydney, *ib.*; Lonsdale appointed police magistrate, *ib.*; statistics, *ib.*; arrival of Lonsdale in, *ib.*; visit of Bourke to, *ib.*; Melbourne and Williamstown laid out, *ib.*; Quarter Sessions proclaimed at Melbourne, 100; Portland laid out, *ib.*; first land sale in, *ib.*; prices of lots at Melbourne and Williamstown, *ib.*; second sale of Melbourne lots, *ib.*; sale at Geelong, *ib.*; at Portland, *ib.*; Latrobe Superintendent of, *ib.*; limits of his district, 101; addition of under treasurer, *ib.*; clerk of peace, *ib.*; Courts of Requests, *ib.*; division of Melbourne, *ib.*; municipal charter of, *ib.*; proclaimed free port, *ib.*; proclaimed pastoral district, *ib.*; division of, into Westernport and Portland Bay Districts, *ib.*; Gippsland and Murray added to, *ib.*; Omeo District, 102; Land Question, *ib.*; Regulations of 1831, *ib.*; disapproved by Emigration Commissioners, *ib.*; fixed price system, *ib.*; Regulations of 1840, *ib.*; new boundaries, 103; Gippsland included in, *ib.*; Gipps nullifies Regulations, *ib.*; Dendy's purchase, 104; fixed price system abolished, *ib.*; opposition to Land Sales Act, 105; Gipps upholds other view, *ib.*; further change in boundaries of, 106; cause of separation supported by Lang, 107; elections of 1848, *ib.*; Board of Trade recommend separation, *ib.*;

creation of Victoria, *ib.*; Statistics, 107–8; Quarter Sessions in, 160; members in Council of N. S. W., 161. And see "Victoria"
Port Phillip Association. See "Port Phillip"
Portuguese, their discoveries, 4
Possession Island (Queensland), named by Cook, 13
Potatau, head of "King" movement, 273; death of, 279
Poverty Bay (New Zealand), visited by Cook, 12; massacre at, 288
Pratt, Major-General, arrival of in N. Z., 279; defeats Maoris at Mahoetahi, 279–80; Waikatos dislodged by, 280; repulse of Maoris by, *ib.*; leaves N. Z., *ib.*
Premiers, Conference of, at Hobart, 298
Press, freedom of, proclaimed, 56; local criticisms of, 57; accuses Arthur of nepotism, 88
Prices, in N. S. W., of bread, 67; of beef, *ib.*; at Melbourne of land, 100; at Williamstown of land, *ib.*
Privy Council, see "Council"
Professions, ex-convicts admitted to, 49
Proprietors, of N. Z. Co., Court of, 179
Provinces in N. Z., suggested by Grey, 199; created by Constitution (of 1852) 200; organization of, *ib.*; boundaries proclaimed, 202; strong local feeling in, *ib.*; new provinces created, 203; provincial system abolished, 204
Provincial Councils, see "Council"
Public Service, appointments by Colonial Office, 147; unpopularity of practice, 163; under Responsible Government, 241
Public Service Acts, 241 n.
Public Works, Ministry of, in N. Z., 204
Puer, Point, convict establishment at, 84
Pumice Stone river, named, 41
Putahi, taken by Chute, 287
Quarter Sessions, proclaimed at Melbourne, 100; established in W. A., 118; Courts of, in N. S. W. and Tasmania, 157; in Port Phillip, 160
Queen Charlotte Sound (New Zealand), named by Cook, 12
Queensland (Moreton Bay), discovered by Flinders, 41; rediscovered by Oxley, 53; made a Land District, 65; future independence of, 66; Responsible Government in, 250; takes possession of islands in Torres Strait, 301; policy regarding annexation of New Guinea, *ib.*; offers to bear expense of administration, *ib.*; takes possession of New Guinea, 302; contributes to expenses of, 304; Northern Separation in, 309; Chinese question in, 311
Quellius (Dutch hydrographer), his map of the world, 10
Quiros, Pedro Fernandez de (Spanish explorer), discovers the New Hebrides, 6
Quit-rents, payment of, 60
Raitea (island in Pacific) annexed by France, 304
Rangihaeta, Maori chief, warrant issued by Thompson against, 182
Rauparaha, Maori chief, burns hut on Wairau, 182; warrant against, *ib.*; justifies himself to Spain, 183
Rawiri, Maori chief, slain, 285
Rede, at Eureka Stockade, 224
Regulations, Land, of Lord Bathurst, 62; of Lord Ripon, *ib.*; (of 1842), 65; sales of land under, (of 1831), 102; of 1840, *ib.*; nullified by Gipps, 103; of 1831, introduce practice of sale into W. A., 117; memorial against by W. A., 119; suspension of, of 1846, in New Munster, 195; and see "Crown Lands"
Representation, political, first introduced into Australia, 65
Repugnancy clause of Constitution Acts, 161; evaded, 238; defined by statute, *ib.*
Requests, Court of, established at

Melbourne, 101; power of Governor to create, 157; established in N. Z., 180; replaced by County Courts, *ib.*
Resident Commissioner, see "Commissioners"
Resident Magistrates, Busby appointed in N. Z., 171; for Maori districts, 188; of Thursday Island, 301
Resolution (Cook's ship), 13
Responsible Government, definition of, 147–8; see "Government in Australia"
Richardson, naturalist, visits Tasmania, 89
Richmond, Major, troops despatched to Wellington under, 183
Ripon, Lord, introduces principle of auction for land sales, 62; doctrine of, with regard to Colonial Constitutions, 178; Land Regulations of, see "Crown Lands"
Risdon, landing of Bowen's party at, 73; Collins joins Bowen at, 74
Robe, Major, Governor of S. A., succeeds Grey, 135; involved in question of ecclesiastical precedence, *ib.*; attempts to impose royalty on minerals, 136; recall of, *ib.*
Robinson, protector of Tasmanian aborigines, 86; success of his scheme, *ib.*; removes aborigines to Port Phillip, *ib.*
Robison, Captain, Darling accused of cruelty to, 57
Roebuck, voyage of the, 11
Rotz, chart supposed to have belonged to, 5
Royal Irish, arrival of, in N. Z., 283
Royal Society of Tasmania, founded by Franklin, 89
"Runangas" (Maori gatherings), Grey's attitude towards, 282
"Runs," of squatters, 64
Russell, Quarter Sessions at, 180
Russell, Lord John, his Government favourable to N. Z. Co., 189

Salomon Islands, visited by Mendana, 6; made boundary between Germans and British in Pacific, 303
Samoa, reserved from New Guinea treaty, 303; treaty with U. S. A., 305; Pango Pango secured by U.S.A., *ib.*; treaty with Germany, *ib.*; with Great Britain, *ib.*; municipal government of Apia, *ib.*; Executive Council proposed for, 306; disturbances of 1885, *ib.*; German Consul at Apia, *ib.*; American protectorate, *ib.*; disavowed, *ib.*; Special Commission, *ib.*; disagreement of Commissioners, 307; "Polynesian Empire" proposed to, *ib.*; withdrawal from municipal scheme, *ib.*; disagreement with German representative, *ib.*; proposed Conference at Berlin, *ib.*; Act regulating the affairs of, *ib.*; Supreme Court, *ib.*; revival of Municipal Council at Apia, *ib.*; President of, 308; Chief Justice over Supreme Court, *ib.*; Land Question, *ib.*
Sandal-wood, trade in, in W. A., 125
Santa Cruz, settled by Mendana, 6
Scenery, of Australia, 15; of Tasmania, *ib.*; of New Zealand, 17
Schenley, E. W., proposal to colonize W. A., 114; withdrawal of, 115
Schofield, missionary at Macquarie Harbour, 83
Seal hunting off Tasmania, 40
Secretary, Colonial (Tasmanian), quarrels of Franklin with, 89
Secretary of State, for Colonies, office of, abolished, 21; influence of Tudor policy on, 144; statute of 1539, *ib.*; after Restoration, 145; made a member of Privy Council and all committees, *ib.*; relations between, and Board of Trade, 146; creation of third, *ib.*; abolished, *ib.*; Secretary for War and the Colonies, 147; Murchison's letter to, 207
Secretary for War and the Colonies. See "Secretary of State"
Selwyn, protest of, against Instructions of 1846, 190; consecrated Bishop of N. Z. (1841), 196; difference with Governor concerning the war, 279

Separation, of Tasmania contemplated, 55; partially effected, *ib.*; completed, 88; of Port Phillip, 106; cause of, espoused by Lang, 107; recommended by Board of Trade, *ib.*; granted, *ib.*; of Moreton Bay District, granted, 111; of New Zealand, 177; of southern provinces of N.Z. proposed, 286; Northern, in Queensland, 309–10; not opposed to Federation, 310
Seven Years' War, Phillip serves in, 26
Shark Bay (Western Australia), visited by Hartog, 8; named by Dampier, 11
Sheep-farming, development of, in W.A., 118
Ship-building, beginning of, in W.A., 121
Sholl, explorer of Australia, 270
Shortt, Captain, defeats Hauhaus, 285
Shortland, Lieutenant, temporary governorship of, in N.Z., 182; treatment of Wairau incident, 183; reply to Colonel Wakefield, 184
Shortland, Lieutenant, explores Hunter river, 38
Sirius, the, frigate carrying Phillip, 28, route of, *ib.*
Smith, of Berrima, alleges discovery of gold, 207–8
Solander, Point, coal discovered at, 38
Sorell, Governor of Tasmania, succeeds Davey, 80; checks progress of bushranging, *ib.*; arrival of free immigrants during governorship of, [illegible]; improvements under, *ib.*; retires, *ib.*; succeeded by Arthur, *ib.*
South Australia, definition of, 2; attitude of Commissioners towards Port Phillip, 98; interest of Colonial Land and Emigration Commissioners in, 102; Crown lands in, disposed of by allotment, *ib.*; settlement of, occasioned by Sturt's explorations, 129; St Vincent's Gulf examined by Barker, *ib.*; plan to form settlement taken up in London, *ib.*; Wakefield's scheme for colonizing, *ib.*; statute of 1834, *ib.*; the Colonization Commissioners for, 130; Resident Commissioner, *ib.*; price of Crown Lands in, 131; free grants prohibited, *ib.*; Commissioners empowered to borrow, *ib.*; arrival of the *Duke of York*, 132; Light pioneer of, *ib.*; fixes sites of Adelaide and Port Adelaide, *ib.*; suspension of, *ib.*; death of, *ib.*; governorship of Hindmarsh, 132–3; recalled, 133; governorship of Gawler, *ib.*; extravagance of, *ib.*; increase of debt, *ib.*; bills dishonoured, *ib.*; governorship of Grey, 133–5; introduction of cattle from N. S. W., 133; survey of lands, *ib.*; Lake Torrens explored by Eyre, *ib.*; reductions effected in expenditure, 134; statistics of 1841, *ib.*; bills again dishonoured, *ib.*; discovery of Kapunda mines, 135; Burra mines, *ib.*; departure of Grey, *ib.*; governorship of Robe, 135–6; ecclesiastical subsidies, 135; royalty on minerals, 136; governorship of Young, 136–8; Legislative Council in, 136; statute of 1842, 137; control of S. A. Commissioners abolished, *ib.*; statute of 1850, 138; new Legislative Council, *ib.*; early government in, 160; drain of population, 214; gold ingots in, *ib.*; trade with the diggings, *ib.*; Murray route, *ib.*; scarcity of money in, *ib.*; obtains Responsible Government, 234; franchise in, 235; money bills in, 236; elective Council, 237; triennial parliaments, *ib.*; "repugnancy" clause, 238; statute of 1865, *ib.*; public service in, 241; Ministers in parliament in, 242; power of dismissal in, 243; no re-election of Ministers in, 248; "one man one vote" in, *ib.*; ballot system, *ib.*; scheme for deadlock, 249; explorations of Eyre and Grey in, 260–3, of Stuart, 264–6; Northern Territory added to, 266
South Cape, reached by Bass and Flinders, 40

Southland (Province), created, 203; abolished, 204
South West Cape, reached by Bass and Flinders, 40
Spaniards, their discoveries, 4; in Australian waters, 6
Spain, Mr, supports Shortland's policy in Wairau incident, 183; pronounces N. Z. Co. entitled to Taranaki purchase, 275; decision reversed by Fitzroy, *ib.*; award confirmed by Grey, 276
Special Constables, sworn in at Melbourne and Geelong, 225
Spice Islands, colonized by Portuguese, 4
Spirits, distilling of, 35; demand for, 42; N. S. W. Corps engage in trade in, *ib.*; Governor King ordered to prohibit importation of, 43; Bligh determines to put a stop to, 46; order prohibits uses of, 47
Squatting, origin of, 60; question of, untouched by land regulations (of 1831), 63; system of sanctioned by Gipps, *ib.*; pastoral districts for, *ib.*; licence system, *ib.*; great expansion of, 70; report by Gipps on, *ib.*; Crown Lands Leases Act, *ib.*; result of, 71; regulation of, in N. Z., 190; and see "Crown Lands"
Staates Land (old name of New Zealand), 9
State Socialism, of colonies, origin of, 149
"Stations," of squatters, 64
Statistics, of N. S. W., of 1795, 36; of 1797, *ib.*; of 1798, *ib.*; of 1799, *ib.*; of 1821, 51; of 1851, 69; of Tasmania, of 1817, 79; of 1821, 80; under rule of Arthur, 88; of Victoria, 99; of 1851, 107, 210, 217; of Queensland, 112; of Western Australia of 1859, by Durlacher, 125; of South Australia of 1841, 134; of New Zealand of 1849, 190; of 1852, 198
Statute, Constitutional, passing of first (1823), 54; (of 1834), 129; appointing "Colonization Commissioners for S. A.," 130; (of 1838), authorizing Leg. Council in S. A., 136; (of 1842), guaranteeing interest to creditors, 137; (of 1850), authorizing new Leg. Council in S. A., 138; (of 1823), authorizing new Supreme Court for N. S. W. and Tasmania, 156; (of 1828), introducing of English law, 157; (of 1850), 162; (of 1817), 170; (of 1865), 238
Stirling, Captain, explorations by, 113; correspondence between Peel and, 114; expedition under, 116
Store keepers, on goldfields, 220
Storm Bay (Tasmania), named by Tasman, 9; passed by Bass and Flinders, 40
Strzelecki, explorer and naturalist, visits Tasmania, 89; brings back gold quartz from Australia, 207; expedition into Gippsland, 261
Stuart, McDouall, explorations by, 264–6; fourth journey, *ib.*; arrives near Gulf of Carpentaria, *ib.*; hostility of aborigines, *ib.*
Stuart, Mount, discovery of, 265
Sturt, journey down the Murray, 129; expedition of, with Hume, 257–8; expeditions of 1845 and 1846, 264
Stutchbury, discovers gold at Summer Hill Creek, 209
St Vincent's Gulf, examined by Barker, 129
Sugar, cultivation of, in W. A., 114; in Northern Queensland, 311
Sullivan Bay, 93
Sullivan Cove, site of Hobart, 74
Summer Hill Creek, discovery of gold reported at, 209
Superintendents, provincial in N. Z., 200
Supplies, want of (in 1788), 33
Supply, the (tender) starting of, 28; reaches Norfolk Island, 31; return voyage of, 32
Supreme Court, introduction of, 54; establishment of in N. S. W. and Tasmania, 151; Field first judge of, *ib.*; convict evidence in, *ib.*; appeals

from, 152; reconstituted in N.S.W. and Tasmania, 156; N. Z. cases to be tried in, *ib.*; criminal cases, 157; civil, *ib.*; power to appeal from, limited, *ib.*; separate for Tasmania, 159; power of, as regards legislation, 160; established in Victoria, 164; in N. Z., 180; in Samoa, 307–8
Swan Hill, discovered by Mitchell, 258
Swan River Settlement. See "Western Australia"
Swainson, arrival of, in N. Z., 180; attitude of, towards Wairau incident, 183
Sydney, Federal Conference at, 294; Federal Convention at, 296
Sydney Cove, landing place of Phillip, 29; taken possession of, 30
Sydney Cove, the, voyage of, 37; wrecked at Point Hicks, 38
Sydney Land District, created by regulations (of 1842), 65
Sydney, Lord, interview between, and Matra, 25; Sydney Cove named after, 29

Table Cape, sighted and named, 40
Tahiti (Otaheite), visited by Cook, 12
Tamar river, explored by Bass, 40; entrance to, explored, 73; expedition to, under Paterson, 74
Taranaki, shipwreck at, 172; land at claimed by N. Z. Co., 181; created province as New Plymouth, 200; old name restored, 203; province abolished, 204; purchase of land , 274; foundation of N. Plymouth, 276; arrival of Wiremu Kingi at, *ib.*; war in, see "Maoris"
Tasman, Abel Jansz (Dutch explorer), first voyage, 8; discovers Van Diemen's Land (Tasmania), 9; New Zealand, *ib.*; the Friendly Islands, *ib.*
Tasmania, included in "Australia," 1; named after Tasman, 9; visited by Cook, 14; discovered by Bass to be an island, 40; partial separation of, 55; visit of French squadron under Baudin to, 73; Governor King decides to attempt settlement in, *ib.*; expedition under Collins to Port Phillip, *ib.*; arrival of the *Ocean* and the *Calcutta*, *ib.*; arrival of Bowen at Risdon, *ib.*; exploration of Tamar river by Collins, *ib.*; Collins joins Bowen at Risdon, 74; anchors at Sullivan's Cove, *ib.*; founds Hobart Town, *ib.*; expedition under Paterson, *ib.*; founding of York Town, *ib.*; removal to Launceston, *ib.*; Cornwall and Buckinghamshire main divisions of, *ib.*; Laycock crosses, *ib.*; Collins begins main road, *ib.*; Launceston united to Hobart, 75; arrival of Norfolk Island settlers, *ib.*; naming of New Norfolk, *ib.*; agriculture in, aided by Holt, 76; threatened with famine, *ib.*; Kangaroo meat used for food, *ib.*; convicts employed in hunting kangaroo, *ib.*; escape of convicts, 77; bushranging in, *ib.*; visit of Bligh to, *ib.*; death of Collins, 78; visit of Macquarie to, *ib.*; governorship of Davey, 79; island under martial law, *ib.*; beginnings of exportation, *ib.*; West Coast explored, *ib.*; Macquarie Harbour and Port Davey discovered, *ib.*; whale fishery, *ib.*; displacement of Davey, *ib.*; population of, *ib.*; governorship of Sorell, 80–1; bushranging checked, *ib.*; free immigration into, *ib.*; increase in population of, *ib.*; wool export, *ib.*; importation of sheep, *ib.*; farewell visit of Macquarie, 81; retirement of Sorell, *ib.*; governorship of Arthur, 81–8; penal settlement at Macquarie Harbour, 81; outbreak at, 83; mission of Schofield, *ib.*; visit of Backhouse and Walker, *ib.*; Port Arthur founded, *ib.*; position of, *ib.*; establishment at Point Puer, 84; aborigines of, *ib.*; attempt of Arthur to pacify, 85; small results, *ib.*; policy of 1830, *ib.*; failure of Black War, *ib.*; good effects on convicts, *ib.*; Robinson's plan, 86;

aboriginal establishment on Flinders' Island, *ib.*; removal of settlers to Port Phillip, *ib.*; return to Oyster Bay, 87; race extinct, *ib.*; V. D. L. Co. obtains grant, *ib.*; friction about choice of land, *ib.*; grants to V. D. L. Establishment, *ib.*; Arthur retires, *ib.*; accused by press of nepotism, 88; statistics, *ib.*; governorship of Franklin, 88–9; visit of Hooker, Strzelecki, Darwin, Jukes, Richardson, 89; governorship of Wilmot, 89–90; revival of feeling against transportation, 89; Wilmot deprived of office, *ib.*; abolition of transportation in, 91; name of Tasmania given to, *ib.*; Denison succeeds Wilmot, *ib.*; migration of Henty family to, 94; Port Phillip Association, 95; Fawkner colonizes Port Phillip from, 97; migration of indentured servants from W. A. to, 118; no separate courts in, 150; cases sent for trial to Sydney from, *ib.*; "Supreme Court" in, 151; "Governor's Courts" in, 151, 152; Executive Council in, 156; New Supreme Court in, *ib.*; Court of Quarter Sessions in, 157; Courts of Requests in, *ib.*; English law introduced into, *ib.*; Legislative Council in, 159; created Lieutenant-Governorship, *ib.*; drain of population, 214; scarcity of labour in, 215; pensioners sent to Victoria from, 217; sends 99th Regiment to help of Victoria, 225; receives Responsible Government, 234; elective Council in, 237; compensation to officials, 241; extension of franchise, 248; retains quinquennial parliaments, 249; Conference of Premiers at Hobart, 298

Tasman Peninsula, Port Arthur situated on, 83

Taupo, Lake, Maori gathering near, 272; heart of King movement, 273

Tauranga tribes, submission of, 285

Te Aro, native name of Wellington, 173

Teira, Maori chief, sale of land on Waitara R. proposed by, 277

Te Kepa, Maori chief, 288

Te Kooti, leader of massacre at Poverty Bay, 288; escape of, *ib.*; wounded in skirmish, *ib.*

Te Ruaruru, repulse of McDonnell at, 287

Testu, Guillaume le, claimed as discoverer of Australia, 5

Thames R. (New Zealand), named by Cook, 12

Thierry, Baron de, attempt to found colony in N. Z. by, 170; appeals to France, 171

Thomas, Captain, captures Eureka Stockade, 224

Thompson, Mr, in Wairau incident, 182

Thompson, William, Maori chief, 280; makes submission, 287

Three Kings' Islands (New Zealand), visited by Tasman, 9

Thursday Island, Magistrate of, made protector of aborigines, 301

"Ticket of leave" men, arrival of in W. A., 124

Tiger wood in N. Z., 17

Timber, exportation of, from W. A., 121

Timor, visited by Lushington, 260

Tobacco planting, in W. A., 114

Tonga, reserved from New Guinea treaty, 303; treaty (1879), 308

Torrens, Lake, reached by Eyre, 261

Torres, Luis Vaez de, left at Espiritu Santo, 7; visits New Guinea, *ib.*; sights Australia, 8; his discoveries unknown to Dutch in 1644, 9

Torres Strait, visited by Cook, 13; islands in, taken possession of, by gold-diggers, 300; report of Heath on, 301; added to Queensland, *ib.*; protection of aborigines in, *ib.*

Tory, the, sent by N. Z. Co. to N. Z., 172

Trade, Board of, recommend separation of Port Phillip, 107

Trade, Council of, see "Council"

Trade and Navigation, Council of, see "Council"
Trade and Plantations, Council of, see "Council"
Transportation, beginnings of, 22; sanctioned by statute (1666), *ib.*; extended (1670), *ib.*; described by Defoe, 23; checked by Declaration of Independence, *ib.*; enquiry of House of Commons into, *ib.*; new statute (of 1783), 24; places proposed for, *ib.*; no reference to, in Matra's memorial, 25; abolished for N. S. W., 66; attempt to revive, *ib.*; hostility to, in Tasmania, 81; revival of feeling against, in Tasmania, 89; result of discontinuance of, 90; abolished for Tasmania, 91; cessation of, to Western Australia, 126, 232-3; and see "Convicts"
Turon River, gold discovered at, 211
Twiss, Horace, remonstrance of Peel with, 115
Twofold Bay, explored by Bass and Flinders, 39; settlement at, 73; excluded from Port Phillip, 101

Upper Chambers, under Responsible Government, 236; position of with regard to money bills, *ib.*; proposal in N. S. W., *ib.*; scheme in N. S. W. and N. Z., *ib.*; in other colonies, 237; retirement of members of, 237-8; action of, in N. Z., 246; changes in constitution of, 249-50; in W. A., 251

Van Diemen's Gulf, Stuart reaches, 266
Van Diemen's Land (early name of Tasmania), named by Tasman, 9; and see "Tasmania"
Van Diemen's Land Company, grants of land to, 62; commencement of operations of, 87; friction about choice of land, *ib.*; settles in north, *ib.*; hampered by loss of servants, *ib.*
Van Diemen's Land Establishment, obtains grant in Norfolk Plains district, 87
Vice-Admiral's Court established, 150
Victoria, separation of, from N. S. W., 65; formal creation of, 107; Supreme Court for, 164; statistics, 210; goldfields in, 213; troubles in, 215; pre-emptive clauses, 216; financial troubles, *ib.*; Pakington promises soldiers to, 217; pensioners from Tasmania, *ib.*; statistics of 1850-1851, *ib.*; proposal of Latrobe to double licence fee, 218; denounced by diggers, *ib.*; dealing with gold revenue, *ib.*; agitation against licence fee, 219; petition of Bendigo diggers, 220; gold escort attacked, 221; unfavourable report on licence system, *ib.*; Goldfields Act, *ib.*; Diggers' Congress, 222; governorship of Hotham, *ib.*; Eureka murder, *ib.*; trial of rioters, 223; dismissal of Dewes and Milne, *ib.*; Commission on Goldfields, *ib.*; Eureka Stockade, *ib.*; diggers' manifesto, 224; arrival of reinforcements under Nickle, 225; martial law proclaimed, *ib.*; Hotham applies to Denison for military assistance, *ib.*; special constables at Melbourne and Geelong, *ib.*; marines, *ib.*; mounted police, *ib.*; arrival of 99th regiment, *ib.*; trial of Joseph, *ib.*; of Manning, 226; Gold Commission, *ib.*; "miner's right," *ib.*; gold export duty, *ib.*; gold "wardens," *ib.*; death of Hotham, 227; Responsible Government in, 234; franchise, 235; qualification of members in, *ib.*; money bills in, 236; elective Council, 237; elections to Legislative Councils in, 238; new style of legislature in, *ib.*; pensions to officials, 241; power of Cabinet in, *ib.*; ministers in parliament in, 242; deadlock in, 244; triennial parliaments in, 249; expedition of Burke and Wills from, 267-9; sends help to N. Z., 279; different revenue policy from N. S. W., 294;

suggestions for federation, *ib.*; Conference of 1880, *ib.*; represented in Conference of 1883, 295; Conference of 1890, 296, and see "Port Phillip"
Vincent, Sir Francis, proposal of to colonize W. A., 114; withdrawal of, 115
Vine, cultivation of, in W. A., 121

Wages, in N. S. W., fall in, 67; recovery of, 68; in W. A., rise in, 118; high, 125
Waikanae, enquiry at, 184; migration of Ngatiawa tribe to, 274; Wiremu Kingi comes to Taranaki from, 276
Waikato, (R.), league of Maori chiefs on, against land selling, 273; King movement amongst, *ib.*; raid by on Ngatiawa, 274; arrival of, at Taranaki, 277; assist Ngatiawa in the war, 279; dislodged from Waitara, 280; country visited by Grey, 281; renewal of war, 285; submission of William Thompson, 287; general submission of the tribes, 288
Wairarapa, scheme for settlement in valley of, 196
Wairau, affair on, 182–3
Wairoa, (R.), Hauhaus defeated on, 287
Waitangi, treaty of, signed by Maoris, 174; effect of, 175; attitude of white settlers towards, 176; of N. Z. Co. towards, 187
Waitara (R.), claim at, 184; land on offered for sale by Teira, 277; offer repudiated by Kingi, *ib.*; survey of, by Government, *ib.*; Kingi erects pah of defiance on, 278; Nelson repulsed on, 279; abandonment of purchase recommended, 283
Waitemata, land purchased at, 177
Waitohi, former name of Picton, 203
Wakefield, Captain, agent for N. Z. Co. at Nelson, 182; professed land purchase by, on Wairau, *ib.*; killed, 183
Wakefield, Colonel, attempts to enforce Wairau purchase, 183–4
Wakefield, Edward Gibbon, scheme of for colonizing S. A., 129; takes part in forming N. Z. Co., 172; supports Responsible Government in N. Z., 245; Wynyard applies for advice to, 249
Walker, Quaker, visits Macquarie Harbour, 83
Wanganui, land at, claimed by N. Z. Co., 181; war maintained in, by Hauhaus, 287; reduced to state of siege, 288
Wanganui tribes, friendly to British, 285
Water, scarcity of, in Australia, 15
Wellington (Te Aro), N. Z. Co.'s settlement at, 173; seat of government removed to, 177; Quarter Sessions at, 180; Maori attack near, 188
Wellington (Province) created, 200; Hawke's Bay separated from, 203; province abolished, 204
Wentworth crosses Blue Mountains, 50
Weraroa Pah, capture of, 287
Western Australia (Swan River Settlement), explorations by Stirling, 113; notice to emigrants, *ib.*; offer of Peel and others, 114; free grants, *ib.*; withdrawal of Macqueen and others, 115; expedition to, 116; early days of, 116–8; rise of wages in, 118; trouble with aborigines, *ib.*; organization of Mounted Police, *ib.*; account published by Irwin, *ib.*; founding of Guildford, Kelmscott, Augusta, York, *ib.*; military station at King George's Sound taken over, *ib.*; Quarter Sessions and Civil Court in, *ib.*; Western Australian Association, 119; corresponding committee, *ib.*; memorial against Ripon's Regulations, *ib.*; exchange of free grants, *ib.*; private seats in Legislative Council, 120; services rendered by blacks, *ib.*; report of Hutt, *ib.*; scarcity of money in, *ib.*; ship-building in, 121; vine and olive, *ib.*; export of timber, *ib.*; scarcity of labour, *ib.*; formation of Western Austra-

lian Company, *ib.*; claim to land in Leschenault district, *ib.*; settlement of Australind, *ib.*; proposal of compulsory immigration to, *ib.*; arrival of "Parkhurst" lads in, 124; made convict station, *ib.*; "ticket of leave" men, *ib.*; good effects of convict importation into, 124–5; settlement of Champion Bay, 125; development of Land Fund, *ib.*; discovery of coal, *ib.*; trade in guano, *ib.*; sandal wood, *ib.*; horses supplied to Indian Cavalry by, *ib.*; mining operations on Murchison river, *ib.*; pearl fisheries, *ib.*; statistics by Durlacher, *ib.*; health of, *ib.*; cessation of transportation to, 126; protest of settlers in, *ib.*; petition for representative government, 127; amendment adopted, *ib.*; concurrence of Hampton, 128; creation (in 1870) of new Council for, *ib.*; Responsible Government, *ib.*; extension of franchise, 248; quadrennial parliaments in, 249; differs from other colonies on Chinese immigration, 294

Western Australian Association, founded, 119

Western Australian Company, formed, 121

Westernport, settled by convicts under Wright, 93; abandoned, *ib.*; made pastoral district, 101

Westland, county of, becomes province, 203; gold discoveries in, 289

Whale fishery, development of, in Tasmania, 79; in the Straits, 92; at Portland Bay, 94

Whitmore, Colonel, defeats Maoris, 288; captures pah near Patea, *ib.*

Wickham, Captain of *Beagle*, 259; meets Grey and Lushington, 260

Williamstown, site of, laid out by Bourke, 99; price of land at, 100

Wills, explorations of Burke and, 267–9

Wilmot, Governor, succeeds Franklin, 89; difficulties with convict system, 90; deprived of office by Mr Gladstone, *ib.*

Wimmera District opened up, 102

Wimmera (R.) discovered by Mitchell, 258

Windsor, Governor's Court held at, 152

Wiremu Kingi, arrives at Taranaki, 276; repudiates Teira's offer to sell, 277; erects pah of defiance at Waitara, 278; repulses Major Nelson, 279; continues to protest against Waitara sale, 283; visited by Bowen, 289

Wise, Captain, fatally wounded, 224

Wool-growing, introduced into N. S. W. by Macarthur, 44; commenced in Tasmania, 80

Women, suffrage extended to, in N. Z., 248

Wright, on Burke's expedition, 267; Brahé meets, 268; reaches Cooper's Creek, 269; abandons further search, *ib.*

Wright, Captain, convicts under, despatched to Port Phillip, 93; lands on Phillip Island, *ib.*; establishes settlement of Fort Dumaresq, *ib.*

Wyld, Judge-Advocate, holds court at Hobart, 151; position in Marsden's prosecution of Campbell, 153

Wynyard, Colonel, Acting-Governor in N. Z., 202; offers compromise in scheme for Responsible Government in N. Z., 245–6; failure of, 246; applies to Wakefield for advice, 247

Wytfliet, Cornelius (Dutch historian), describes Australia, 6

Yarrawonga, northern boundary of Port Phillip, 101

York (W. A.), founding of, 118

York Town, founding of, 74

Young, Sir George, draws up scheme for convict settlement, 25

Young, Sir Henry Fox, Governor of S. A., succeeds Robe, 136

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